

# HOUSE JOURNAL

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SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SIXTY-NINTH DAY — TUESDAY, MAY 9, 1995

The house met at 10:35 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 344).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Davila.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Sadler; Williamson.

Absent — Krusee.

### **LEAVES OF ABSENCE GRANTED**

On motion of Representative Rodriguez and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

### **RULES SUSPENDED**

Representative Rodriguez moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local and consent bills calendars which were considered on the previous legislative day.

The motion prevailed without objection.

### **LOCAL AND CONSENT BILLS CALENDARS ON THIRD READING**

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendars were laid before

the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

**HB 3197**

**HB 3121**

**HB 3203** (Corte - no)

**HB 3214**

**HB 3225**

**HB 3227**

**HB 145**

**HB 179**

**HB 334**

**HB 341**

**HB 375**

**HB 581**

**HB 690**

**HB 871**

**HB 925** (Cook, Finnell, Heflin, B. Hunter, Ogden, Talton , and Telford - no)

**HB 1274** (Heflin - no)

**HB 1388**

**HB 1454**

**HB 1574**

**HB 1619**

**HB 1744**

**SB 927**

**HB 1809**

**HB 1875**

**HB 1922** (Finnell - no)

**HB 1924**

**HB 1930**

**HB 1976**

**HB 2023**

**HB 2034**

**HB 2035**

**HB 2039** (Finnell - present, not voting)

**HB 2042**

**HB 2129**

**HB 2152**

**HB 2275**

**HB 2304**

**HB 2307**

**HB 2401**

**HB 2432**

**HB 2518**

**HB 2520**

**HB 2656**

**HB 2662**

**SB 1154** (Heflin and Telford - no)

**SB 1148**

**HB 2803**

**HB 2861**

**HB 2926**

**HB 2949**

**HB 2951**

**HB 2952**

**HB 3073**

**HB 3082**

**HB 3185** (Heflin - no)

(Krusee now present)

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendars were laid before the house, read third time, and passed by (Record 345): 141 Yeas, 0 Nays, 1 Present, not voting (members registering votes and the results of the vote are shown following bill number).

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; De La Garza; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson;

Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker.

Absent, Excused — Davila.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Sadler; Williamson.

Absent — Davis; Luna.

**HB 819** (141-0-1)

**HB 1189** (141-0-1)

**HB 1846** (141-0-1)

**HB 2492** (141-0-1)

**HB 2893** (141-0-1)

**HB 2987** (Heflin - no) (140-1-1)

**HB 3198** (141-0-1)

**SB 701** (141-0-1)

**SB 771** (141-0-1)

**SB 779** (141-0-1)

**SB 833** (141-0-1)

#### **HR 779 - ADOPTED**

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 779**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Raymond,

**HR 779**, In memory of Reserve Officer Verval Lee Estes of the Orange Grove Police Department.

The resolution was unanimously adopted by a rising vote.

#### **HR 846 - ADOPTED**

Representative Howard moved to suspend all necessary rules to take up and consider at this time **HR 846**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Howard,

**HR 846**, Honoring the Clements Senior High School Concert Band.

The resolution was adopted without objection.

#### **HCR 198 - ADOPTED**

Representative Junell moved to suspend all necessary rules to take up and consider at this time **HCR 198**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Junell,

**HCR 198**, In memory of Dr. Lloyd D. Vincent.

The resolution was unanimously adopted by a rising vote.

#### **HOUSE BILL ON FIRST READING**

The following house bill was today laid before the house, read first time, and referred to committee:

By Dear,

**HB 3237**, A bill to be entitled An Act relating to the creation of municipal courts of record in Lake Worth.

To Committee on Judicial Affairs.

#### **RESOLUTIONS REFERRED TO COMMITTEE**

The following resolutions were laid before the house and referred to committee:

By Conley, et al.,

**HCR 200**, In memory of the Honorable Lou Nelle Sutton.

To Committee on Rules and Resolutions.

By Junell,

**HR 834**, Honoring Thelma Faye Penn Reynolds.

To Committee on Rules and Resolutions.

By Junell,

**HR 835**, Honoring Harlan Bruha on the occasion of his retirement as director of the Angelo State University Small Business Development Center.

To Committee on Rules and Resolutions.

By Ogden,

**HR 836**, Commending Texas MATHCOUNTS.

To Committee on Rules and Resolutions.

By Krusee,

**HR 839**, Honoring William Gooch.

To Committee on Rules and Resolutions.

By Zbranek,

**HR 840**, Recognizing May 22-28, 1995, as National Park Week.

To Committee on Rules and Resolutions.

By Berlanga, Luna, and T. Hunter,

**HR 842**, Congratulating Vann M. Kennedy on the occasion of his 90th birthday.

To Committee on Rules and Resolutions.

By Carter, et al.,

**HR 843**, Commending the 1995 Chisholm Trail Round-Up.

To Committee on Rules and Resolutions.

By Hightower,

**HR 845**, Honoring Claire Barker.

To Committee on Rules and Resolutions.

By Howard,

**HR 847**, Congratulating Richard Chad Bruns on his achievement in being named the Texas Junior Chess Champion for 1995.

To Committee on Rules and Resolutions.

By McCoulskey,

**HR 848**, Honoring Russell Sage Brumbelow.

To Committee on Rules and Resolutions.

By McCoulskey,

**HR 849**, Congratulating Marlene Saenz Luna on her receipt of a doctorate in education from the University of Houston.

To Committee on Rules and Resolutions.

By Counts,

**HR 850**, In memory of the men from Stamford who lost their lives in World War II.

To Committee on Rules and Resolutions.

By Gutierrez,

**HR 851**, Congratulating Jimmy Santos on the occasion of his 53rd birthday.

To Committee on Rules and Resolutions.

By Willis,

**HR 855**, In memory of Hazel Vaughn Leigh.

To Committee on Rules and Resolutions.

By Black,

**HR 859**, Honoring Larry Salisbury.

To Committee on Rules and Resolutions.

#### SENATE BILLS ON FIRST READING

The following senate bills were today laid before the house, read first time, and referred to committees:

**SB 225** to Committee on Public Safety.

- SB 376** to Committee on Environmental Regulation.
- SB 378** to Committee on Public Health.
- SB 453** to Committee on Criminal Jurisprudence.
- SB 476** to Committee on Public Health.
- SB 511** to Committee on Business and Industry.
- SB 544** to Committee on Public Health.
- SB 623** to Committee on Land and Resource Management.
- SB 634** to Committee on Licensing and Administrative Procedures.
- SB 664** to Committee on County Affairs.
- SB 858** to Committee on Ways and Means.
- SB 919** to Committee on Criminal Jurisprudence.
- SB 935** to Committee on Natural Resources.
- SB 1084** to Committee on Public Health.
- SB 1093** to Committee on State Affairs.
- SB 1133** to Committee on State Affairs.
- SB 1207** to Committee on Financial Institutions.
- SB 1212** to Committee on Business and Industry.
- SB 1217** to Committee on Criminal Jurisprudence.
- SB 1222** to Committee on Insurance.
- SB 1225** to Committee on Urban Affairs.
- SB 1261** to Committee on Land and Resource Management.
- SB 1333** to Committee on Urban Affairs.
- SB 1336** to Committee on Human Services.
- SB 1376** to Committee on Land and Resource Management.
- SB 1396** to Committee on Land and Resource Management.
- SB 1397** to Committee on Land and Resource Management.
- SB 1415** to Committee on Judicial Affairs.
- SB 1461** to Committee on Financial Institutions.
- SB 1462** to Committee on County Affairs.
- SB 1477** to Committee on Public Health.
- SB 1478** to Committee on Public Health.
- SB 1508** to Committee on Appropriations.
- SB 1601** to Committee on State Affairs.
- SB 1610** to Committee on Judicial Affairs.

**SB 1629** to Committee on Ways and Means.

**SB 1645** to Committee on Natural Resources.

**SB 1646** to Committee on Urban Affairs.

**SB 1647** to Committee on Natural Resources.

**SB 1657** to Committee on Natural Resources.

**SB 1674** to Committee on Natural Resources.

**SB 1676** to Committee on Land and Resource Management.

**SB 1682** to Committee on Ways and Means.

**SB 1688** to Committee on Land and Resource Management.

### RESOLUTIONS REFERRED TO COMMITTEES

The following resolutions were laid before the house and referred to committees:

**SCR 45**, Directing the board of regents of The University of Texas System to conduct a study to assess the availability and suitability of existing facilities for use in connection with the operation of health education programs.  
To Committee on Public Health.

**SCR 70**, Granting CIT Construction Incorporated of Texas permission to sue the State of Texas and The University of Texas System.  
To Committee on Civil Practices.

**SCR 102**, Requesting the lieutenant governor and speaker to establish a special interim committee to study airport needs and financing options.  
To Committee on House Administration.

**SCR 142**, Congratulating the winners and participants of the Texas Association of Homes and Services for the Aging's Fifth Annual Art Exhibition.  
To Committee on Rules and Resolutions.

**SCR 143**, Commending the Austin Division of the Casey Family Program.  
To Committee on Rules and Resolutions.

(Speaker in the chair)

### CSHB 603 ON SECOND READING

The speaker laid before the house, as postponed business, on its second reading and passage to engrossment, the complete committee substitute for **HB 603**.

**CSHB 603**, A bill to be entitled An Act relating to the issuance of a qualified domestic relations order to clarify or modify a final divorce order that provides for the division of a pension or other retirement benefits.

**CSHB 603** was read second time on May 8 and was postponed until 9 a.m. today.

**Amendment No. 1**

Representatives Gray and Goodman offered the following amendment to **CSHB 603**:

Amend **CSHB 603** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter D, Chapter 3, Family Code, is amended by adding Section 3.711 to read as follows:

Sec. 3.711. CONTINUING JURISDICTION FOR QUALIFIED DOMESTIC RELATIONS ORDERS. (a) Notwithstanding another provision of this chapter, if a court in rendering a final decree of divorce or annulment or another final order dividing property under this chapter did not provide a qualified domestic relations order or similar order permitting payment of benefits to an alternate payee or other lawful payee, a party may petition the court to render a qualified domestic relations order or similar order. Unless prohibited by federal law, an action seeking a qualified domestic relations order or similar order under this section applies to any previously divided pension, retirement plan, or other employee benefit divisible under the law of this state or the United States, whether the plan or benefit is private, state, or federal.

(b) An action seeking a qualified domestic relations order or similar order under Subsection (a) must be filed with the court that rendered the final order for a division of property. Notwithstanding another provision of this chapter, the court that rendered the final order has continuing, exclusive jurisdiction over the parties and property for purposes of rendering a qualified domestic relations order or similar order as if the court were required to presently divide the plan or benefit in a manner substantially similar to the original division.

(c) Notwithstanding another provision of this chapter, a court of this state that rendered a domestic relations order that a plan administrator or other person acting in an equivalent capacity determines does not satisfy the requirements of a qualified domestic relations order or similar order, retains continuing, exclusive jurisdiction over the parties and property to the extent necessary to render an amended or corrected domestic relations order that satisfies the requirements of a qualified domestic relations order for payment of benefits to the alternate payee or other lawful payee.

(d) A petition under this section, except as otherwise provided by this code, is governed by the Texas Rules of Civil Procedure that apply to the filing of an original lawsuit. Each party whose rights may be affected by the petition is entitled to receive notice by citation and shall be commanded to appear by filing a written answer. Following service of citation, the proceedings shall be conducted in the same manner as civil cases generally.

(e) The court shall liberally construe this section to effectuate payment of retirement benefits that were divided by a previous decree that failed to contain a qualified domestic relations order or similar order or that contained an order that failed to meet the requirements of a qualified domestic relations order or similar order.

SECTION 2. This Act takes effect September 1, 1995, and applies to an order, judgment, or decree without regard to whether the order, judgment, or decree was rendered before, on, or after the Act's effective date.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Amendment No. 1 was adopted without objection.

**CSHB 603**, as amended, was passed to engrossment.

### **HB 2614 ON SECOND READING**

The speaker laid before the house, as postponed business, on its second reading and passage to engrossment,

**HB 2614**, A bill to be entitled An Act relating to the jurisdiction of peace officers.

**HB 2614** was read second time on May 8 and was postponed until 10 a.m. today.

(Thompson in the chair)

#### **Amendment No. 1**

Representative Chisum offered the following amendment to the bill:

Amend **HB 2614** as follows:

(1) Strike SECTIONS 1, 2, and 3 of the bill and substitute a new SECTION 1 to read as follows:

SECTION 1. Article 14.03, Code of Criminal Procedure, is amended by adding Subsection (g) to read as follows:

(g) A peace officer who is listed in Subdivision (1), (2), (3), or (4), Article 2.12, is licensed under Chapter 415, Government Code, and is outside of the officer's jurisdiction may arrest without a warrant a person who commits any offense within the officer's presence or view, except that an officer who is outside the officer's jurisdiction may arrest a person for a violation of the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) only if the officer is listed in Subdivision (4), Article 2.12.

A peace officer making an arrest under this subsection shall as soon as practicable after making the arrest, notify a law enforcement agency having jurisdiction where the arrest was made. The law enforcement agency shall then take custody of the person committing the offense and take the person before a magistrate in compliance with Article 14.06.

(2) Renumber existing SECTIONS 4, 5, and 6 of the bill as SECTIONS 2, 3, and 4.

Amendment No. 1 was adopted without objection.

**HB 2614**, as amended, was passed to engrossment. (Corte recorded voting no)

(Speaker in the chair)

### **SIGNED BY THE SPEAKER**

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled bills and resolutions:

**SB 31, SB 32, SB 297, SB 365, SB 424, SB 694, SB 717, SB 731, SB 875, SB 934, SB 1018, SB 1032, SB 1241, SB 1281, SB 1284, SB 1299, SB 1327, SB 1328, SB 1387, SB 1627, SCR 126, SCR 132, SCR 141**

### **CSHB 24 ON SECOND READING**

The speaker laid before the house, as postponed business, on its second reading and passage to engrossment, the complete committee substitute for **HB 24**.

**CSHB 24**, A bill to be entitled An Act relating to the inspection of certain vehicles.

**CSHB 24** was read second time on May 8 and was postponed until 10 a.m. today.

#### **Amendment No. 1**

Representative Uher offered the following amendment to **CSHB 24**:

Amend **CSHB 24** as follows:

On page 3, line 19, insert the following after the comma and before "and": "base inspection criteria upon a test to determine whether damage in this area obstructs the driver's vision and ability to operate the vehicle safely according to prudent person standards,"

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Horn offered the following amendment to **CSHB 24**:

Amend **CSHB 24** (Committee Printing) by striking the following language (beginning on page 3, line 9):

"or a vehicle held by a person who engages in the business of reselling, repairing, storing, exchanging or servicing a motor vehicle."

Amendment No. 2 was adopted.

A record vote was requested.

**CSHB 24**, as amended, failed to pass to engrossment by (Record 346): 14 Yeas, 123 Nays, 1 Present, not voting.

Yeas — Bosse; Brimer; Carona; Carter; Clemons; Conley; Goodman; Goolsby; Haggerty; Hartnett; Marchant; McCall; Stiles; Wohlgemuth.

Nays — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Chisum; Coleman; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Gray; Greenberg; Grusendorf; Gutierrez; Hamric; Harris; Hawley; Heflin; Hightower; Hilbert; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCoulskey; McDonald; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett;

Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Walker; West; Willis; Wilson; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davila.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Sadler; Williamson.

Absent — Brady; Edwards; Hilderbran; Moffat; Moreno; Turner, B.

### MESSAGE FROM THE SENATE

Austin, Texas, May 9, 1995

The Honorable Speaker of the House of Representatives  
House Chamber

The Honorable  
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

**HB 984** by Yarbrough (Sponsor-West, Royce), relating to the filing of a conduct surety bond by certain alcoholic beverage permit or license holders (amended).

**HB 1877** by Stiles (Sponsor-Montford), relating to the authority of the board of regents of The University of Texas System to delegate certain powers and duties of the board.

**HB 1968** by Holzhauser (Sponsor-Brown), relating to the representative of industrial energy consumers on the Texas Energy Coordination Council.

**HB 2473** by Chisum, Duncan, Talton, Uher, Stiles, et al. (Sponsor-Brown), relating to audits to determine compliance with certain laws, rules, and regulations; providing penalties.

**SCR 139** by Montford, honoring Major General William Edgar Murphy and naming the Texas Army National Guard/Reserve Center in Lubbock the William Edgar Murphy Guard/Reserve Center.

**SCR 145** by Gallegos, designating May 9, 1995, as Texas Clinical Nutrition Day.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to the following: **SB 1125** by 31 Yeas, 0 Nays; **SB 1126** by 31 Yeas, 0 Nays.

Respectfully,  
Betty King  
Secretary of the Senate

### CSHB 1023 ON SECOND READING

The speaker laid before the house, as postponed business, on its second reading and passage to engrossment, the complete committee substitute for **HB 1023**.

**CSHB 1023**, A bill to be entitled An Act relating to regulation of end stage renal disease facilities; providing penalties.

**CSHB 1023** was read second time on May 8 and was postponed until 10 a.m. today.

**Amendment No. 1**

Representative Coleman offered the following amendment to **CSHB 1023**:

Amend **CSHB 1023** in Section 251.001, Subsection (8) by striking Subdivision (A) and creating a new Subdivision (A) to read as follows:

(A) is appointed by a renal disease network organization which includes this state; and

Amendment No. 1 was adopted without objection.

**CSHB 1023**, as amended, was passed to engrossment. (Corte recorded voting no)

**HB 2593 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2593**, A bill to be entitled An Act relating to rates for commercial windstorm and hail insurance coverage through the Texas Catastrophe Property Insurance Association.

The bill was read third time.

**Amendment No. 1**

Representative Smithee offered the following amendment to the bill:

Amend **HB 2593** on third reading as follows:

(1) Insert a new transition SECTION to the bill, appropriately numbered, to read as follows:

SECTION \_\_\_\_\_. Not later than December 31, 1995, the commissioner of insurance shall submit to the governor, lieutenant governor, and speaker of the house of representatives a report containing the commissioner's conclusions and recommendations for further action regarding the treatment of claims resulting from a significant natural catastrophe. The report must include:

(1) necessary administrative and legislative measures to adequately respond to a substantial volume of claims resulting from a significant natural catastrophe;

(2) administrative and legislative measures for coordination and cooperation among applicable state agencies as necessary to:

(A) ensure prompt and fair payment of claims resulting from a significant natural catastrophe; and

(B) protect the Texas Catastrophe Property Insurance Association from fraudulent claims; and

(3) an analysis of the adequacy of the rate structure of the Texas Catastrophe Property Insurance Association to ensure recovery by the association from financial losses resulting from a significant natural catastrophe.

(2) Renumber the subsequent SECTIONS of the bill appropriately.

Amendment No. 1 was adopted without objection.

**HB 2593**, as amended, was passed.

### **HB 1399 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1399**, A bill to be entitled An Act relating to the continuation and functions of the Office of State-Federal Relations and to assistance for acquiring federal grants and other funds.

The bill was read third time and was passed.

### **HB 1805 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1805**, A bill to be entitled An Act relating to the procedures for determining eligibility for parole of a defendant serving a life sentence after conviction of a capital felony.

The bill was read third time and was passed. (The vote was reconsidered later today, and **HB 1805** was passed by Record 348.)

### **HB 2843 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 2843**, A bill to be entitled An Act relating to the adoption of rules by the Texas Natural Resource Conservation Commission.

The bill was read third time and was passed.

### **HB 1367 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1367**, A bill to be entitled An Act relating to certain acts of unfair discrimination in the business of insurance and certain methods, programs, and mechanisms for providing property and casualty insurance in underserved areas.

A record vote was requested.

The bill was read third time and was passed by (Record 347): 114 Yeas, 24 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Counts; Craddick; Cuellar, H.; Cuellar, R.; Davis; De La Garza; Delisi; Denny; Driver; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hawley; Hightower; Hilderbran; Hirschi; Holzheuser; Hudson; Hunter, B.; Hunter, T.; Jackson; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Maxey; McCall; McCoulskey; McDonald; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rangel; Raymond; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Solis; Solomons; Staples; Stiles; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Willis; Wilson; Wohlgenuth; Wolens; Yarbrough; Yost; Zbraneck.

Nays — Alvarado; Averitt; Carona; Corte; Crabb; Culberson; Danburg; Elkins; Hartnett; Heflin; Hilbert; Hill; Horn; Howard; Janek; Krusee; Marchant; Moffat; Rabuck; Reyna; Swinford; Talton; Telford; Woolley.

Present, not voting — Mr. Speaker(C); Longoria.

Absent, Excused — Davila.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Sadler; Williamson.

Absent — Dukes; Madden; Smithee; Turner, S.

### STATEMENT OF VOTE

When Record No. 347 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

### HB 1718 ON THIRD READING

The speaker laid before the house, on its third reading and final passage, **HB 1718**, A bill to be entitled An Act relating to the revision of the open records law.

The bill was read third time.

#### Amendment No. 1

Representative S. Turner offered the following amendment to the bill:

Amend **HB 1718** on 3rd reading as follows:

Page 8, line 23, delete "Subchapter C" and insert in its place: Subchapter B.

On page 8, line 24, and line 25, delete "Section 552.125" and insert in its place: Section 552.027.

Amendment No. 1 was adopted without objection.

#### Amendment No. 2

Representative Hamric offered the following amendment to the bill:

Amend **HB 1718** (House Committee Report) on third reading as follows:

(1) On page 25, line 1, after the word "may" strike the rest of the sentence and substitute the following language "not file suit against the person requesting the information".

(2) On page 25, lines 3-4, strike the phrase "and may not be named as a party in the suit unless the person chooses to intervene".

(3) On page 25, line 20, after the word "general" strike the word "agrees" and replace with "enters into a proposed settlement".

(4) On page 25, line 21-22, strike the phrase "and decides not to contest withholding that information".

Amendment No. 2 was adopted without objection.

#### Amendment No. 3

Representative R. Lewis offered the following amendment to the bill:

Amend **HB 1718** on third reading by deleting second reading floor amendment No. \_\_\_\_ and substituting the following:

Amend **HB 1718** as follows:

(1) In SECTION 12, Sec. 552.262(a), add the following after "producing the information.":

"A governmental body, other than an agency of state government, may determine its own charges for producing public information, but shall not charge more than a 50% variance from the rules established by the General Services Commission unless the governmental body requests an exemption under Sec. 552.262(c)."

(2) In SECTION 12, Sec. 552.262(b), add the following after "(b)":

"The General Services Commission shall conduct a study to determine reasonable charges for producing information prior to the implementation of rules regarding charges under this subchapter. The study shall be completed not later than September 30, 1996, with full participation of parties, including representatives of county and municipal government and other interested parties."

(3) In SECTION 12, Sec. 552.262(c), by adding the following after "the commission shall give written notice of the determination to the governmental body":

"within 90 days of the request."

Amendment No. 3 was adopted without objection.

**HB 1718**, as amended, was passed.

### **HB 1988 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1988**.

**CSHB 1988**, A bill to be entitled An Act relating to the insurance rates and policy forms for certain lines of insurance and to certain administrative hearings conducted regarding those rates.

**CSHB 1988** was read second time.

#### **Amendment No. 1**

Representative Stiles offered the following amendment to **CSHB 1988**:

Amend **CSHB 1988** by adding the following section, appropriately numbered, and renumbering subsequent sections accordingly:

SECTION \_\_\_\_\_. Chapter 5, Insurance Code, is amended by adding Subchapter O to read as follows:

#### SUBCHAPTER O. RATE ROLLBACK

Art. 5.131. TEMPORARY RATE ROLLBACK FOR CERTAIN LINES OF INSURANCE

Sec. 1. FINDINGS. The legislature finds that:

(1) the cost of litigation against insureds and their insurers, the possibility of large and unjust judgments, and the uncertainty created by a litigious environment within this state have been significant factors in the high cost of certain lines of insurance;

(2) legislation enacted by the 74th Legislature, Regular Session, which may be aided by legislation under consideration by the 104th Congress of the United States, is intended to meaningfully reform the civil justice system of this state and will result in reductions in the cost of litigation and in the size of judgments;

(3) while the monetary effect of the legislative changes can be actuarially determined within a reasonable degree of certainty, insurers will delay implementation of rate reductions until they have data evidencing actual loss experience;

(4) the delay described by Subdivision (3) of this section will result in a windfall for the insurers benefited by the legislation described by Subdivision (2) of this section, and this benefit should be passed on to their insureds; and

(5) legislative action in the public interest and within the police power of the state is required to eliminate unnecessary delays to pass these benefits on to the insured public of this state.

Sec. 2. SCOPE OF ARTICLE. (a) This article applies to any insurer that is authorized to do business in this state and that is authorized to write any of the types of coverages or lines and sublines listed in Subsection (b) of this section, including:

(1) a capital stock company;

(2) a mutual company;

(3) a county mutual insurance company;

(4) a Lloyd's plan company; and

(5) a reciprocal or interinsurance exchange.

(b) This article applies only to policies or coverages in the following lines or sublines that are issued, issued for delivery, or renewed on or after January 1, 1996:

(1) professional liability insurance for a physician, other health care provider, or hospital;

(2) commercial liability insurance for damages arising out of the manufacture, design, importation, distribution, packaging, labeling, lease, or sale of a product or for completed operations coverage;

(3) private passenger automobile liability insurance for bodily injury;

(4) commercial automobile liability insurance for bodily injury;

(5) private umbrella and excess liability insurance;

(6) commercial multi-peril insurance; and

(7) other commercial liability insurance, including the following lines and sublines:

(A) premises medical;

(B) fire legal liability;

(C) personal advertising injury;

(D) contractual liability;

(E) liability for all premises;

(F) pollution liability;

(G) owners and contractors protective liability;

(H) railroad protective liability;

(I) liquor liability;

(J) farm liability;

(K) commercial umbrella and excess liability;

(L) professional liability other than insurance described by Subdivision (1) of this subsection; and

(M) garage liability.

Sec. 3. RATE ROLLBACK. (a) Notwithstanding Article 1.33B of this code, the commissioner shall hold a rulemaking hearing under Chapter 2001, Government Code, to determine the percentage of equitable across-the-board reductions in insurance rates required of insurers writing the lines and sublines of liability coverage described by Section 2(b) of this article.

(b) Not later than November 1, 1995, the commissioner shall issue rules mandating the appropriate rate reductions.

(c) The commissioner may set the percentage of the rate reduction by line and subline within any of the seven major coverages described by Section 2 of this article and may set a percentage either above or below the percentages listed in Subsection (e) of this section. The commissioner's order establishing the rate reductions must be based on the evidence adduced at the rulemaking hearing.

(d) The rate reductions adopted under this section are applicable to each policy or coverage issued, issued for delivery, or renewed on or after January 1, 1996.

(e) If, on January 1, 1996, the commissioner has not issued an order establishing rate reductions for a line or subline under this section, or the order has not become final because of judicial intervention or any other reason, the following reductions, as measured from the base rates in effect on April 1, 1995, apply to each insurer for each affected policy or coverage issued, issued for delivery, or renewed on or after January 1, 1996:

<u>LINE or SUBLINE</u>	<u>PERCENTAGE REDUCTION</u>
<u>(1) professional liability insurance for physician, other health care provider, or hospital:</u>	<u>30%</u>
<u>(2) commercial liability insurance for damages arising out of the manufacture, design, importation, distribution, packaging, labeling, lease, or sale of a product or for completed operations coverage:</u>	<u>25%</u>
<u>(3) private passenger automobile liability insurance for bodily injury:</u>	<u>15%</u>
<u>(4) commercial automobile liability insurance for bodily injury:</u>	<u>20%</u>
<u>(5) private umbrella and excess liability insurance:</u>	<u>20%</u>
<u>(6) commercial multi-peril insurance:</u>	<u>10%</u>
<u>(7) all lines and sublines of other commercial liability insurance:</u>	<u>15%</u>

Sec. 4. ADMINISTRATIVE RELIEF. (a) Except as provided by Subsection (b) of this section, a rate filed as to a line or subline of insurance coverage affected by this article on or after January 1, 1996, shall reflect the rate reduction imposed by Section 3 of this article. The commissioner shall disapprove a rate, subject to the procedures established by Section 7, Article 5.13-2, of this code if the commissioner finds that the filed rate does not reflect that reduction.

(b) The commissioner is not required to disapprove a filed rate that reflects less than the full amount of the rate reduction imposed by Section 3 of this article if the commissioner enters an order, based on credible data, concluding that for the particular insurer and the particular line of insurance affected:

(1) the rate reduction required by Section 3 of this article is not justified by the anticipated cost savings described by Section 1 of this article;

(2) the filed rate adequately reflects the anticipated cost savings described by Section 1 of this article for that insurer; and

(3) the rate reduction required by Section 3 of this article would be confiscatory.

Sec. 5. DECLARATION OF INAPPLICABILITY TO CERTAIN LINES. The commissioner shall, by order, declare this article inapplicable to a line or subline of insurance otherwise subject to this article at the time the commissioner finds, based on actuarially credible data, that rates in that line or subline reflect the actual experience under the legislation described by Section 1 of this article.

Sec. 6. DURATION OF REDUCTION. Unless the commissioner grants relief under Section 4 or 5 of this article, each rate resulting from the reduction required under Section 3 of this article remains in effect until the later of:

(1) the first anniversary of the date the insureds' policy or coverage is issued or renewed after January 1, 1996; or

(2) the effective date of rates filed by the affected insurer or insurers that are based on actuarially credible data reflecting actual experience under the legislation described by Section 1 of this article and that are not excessive, inadequate, unfairly discriminatory, or unreasonable.

Sec. 7. HEARINGS AND ORDERS. Notwithstanding Article 1.33B of this code, a hearing under this article shall be held before the commissioner or the commissioner's designee. This section does not apply to any other rate promulgation proceeding.

Amendment No. 1 was adopted without objection.

**CSHB 1988**, as amended, was passed to engrossment.

### **HB 1243 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1243**.

**CSHB 1243**, A bill to be entitled An Act relating to financial solvency requirements for certain insurers and health maintenance organizations.

**CSHB 1243** was read second time.

#### **Amendment No. 1**

Representative Smithee offered the following amendment to **CSHB 1243**:

Amend **CSHB 1243** (House Committee Report) as follows:

- (1) On page 2, strike lines 9-27.
- (2) Strike pages 3-4.
- (3) On page 5, strike lines 1-17.
- (4) On page 6, strike lines 17-27.
- (5) On page 7, strike lines 1-8.
- (6) On page 8, line 3, strike "Article 2.02[~~Sections 1, 2 and 3~~]; Article 2.03" and substitute "Article 2.02, Sections 1, 2 and 3; Article 2.03".
- (7) On page 21, strike lines 7-26.

(8) On page 21, line 27, strike "Except as provided by Sections 26 and 27,".

(9) On page 22, line 1, strike "this" and substitute "This".

(10) Renumber the sections of the bill appropriately.

Amendment No. 1 was adopted without objection.

### **Amendment No. 2**

Representative Smithee offered the following amendment to **CSHB 1243**:

Amend **CSHB 1243** by deleting Subsection (e) in SECTION 1 and substituting the following:

(e) An agreement entered into under Subsection (b) of this article must be submitted to the commissioner for approval as to form and content; provided, however, that the commissioner must give his decision of either approval or disapproval within 30 days after the written filing by the insurer and his failure to so act within such 30 days shall constitute approval of the transaction. An insurer may not assume a subordinate liability until the commissioner has approved the agreement under either Section 4, Article 21.49-1, or this article. An insurer may not repay principal or pay interest on a subordinated liability assumed under either Section 4, Article 21.49-1, or this article on or after September 1, 1995, unless either (i) such payment or repayment complies with a specific schedule of payments contained within the terms of the previously approved agreement, or (ii) written notice is provided to the commissioner at least 15 days before the date scheduled for any payment or repayment if either a schedule of payments is not contained within the terms of the previously approved agreement, or such payment or repayment does not comply with the specific schedule of payments contained within the terms of the previously approved agreement. A loan, debenture, revenue bond, or advance agreement issued before September 1, 1995, and any subsequent payment of interest or repayment of principal are governed by the law in effect on the date of issuance.

Amendment No. 2 was adopted without objection.

**CSHB 1243**, as amended, was passed to engrossment.

### **HB 1385 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 1385**, A bill to be entitled An Act relating to the limitation and termination of annual cost recovery fees for regional water quality assessments.

The bill was read second time.

### **Amendment No. 1**

Representative Saunders offered the following amendment to the bill:

Amend **HB 1385** as follows:

(1) Amend Section 1 as follows:

On page 1, line 15, between "watershed." and "The", insert "Irrigation water rights will not be subject to this assessment."

Amendment No. 1 was adopted without objection.

**HB 1385**, as amended, was passed to engrossment.

### **HB 2758 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2758**.

**CSHB 2758**, A bill to be entitled An Act relating to the provision of municipal services in an annexed area.

**CSHB 2758** was read second time.

#### **Amendment No. 1**

Representative Bosse offered the following amendment to **CSHB 2758**:

Amend **CSHB 2758** by adding a new appropriately numbered section to read as follows and renumbering the existing sections as appropriate:

SECTION \_\_\_\_\_. Subchapter C, Chapter 43, Local Government Code, is amended by adding Section 43.0561 to read as follows:

Sec. 43.0561. REDUCTION OF TAXES FOR FAILURE TO PROVIDE ADEQUATE SERVICES. (a) A municipality may not charge the owner of a tract of industrial property municipal ad valorem taxes in excess of the cost of providing municipal services to that property unless the amount spent on providing municipal services to that property in the previous calendar year is at least equal to 35 percent of the ad valorem taxes imposed in the previous calendar year on that property.

(b) Instead of applying the tax limit provided by Subsection (a), a municipality may disannex property for which a tax limit is imposed under Subsection (a) but only if the municipality refunds to the owner of the property an amount equal to the difference between the amount of ad valorem taxes paid to the municipality on the property for the previous calendar year and the cost of providing municipal services to that property in the previous calendar year.

(c) In this section, "industrial property" means a parcel of real property, according to the deed records of the county, on which are located improvements that are used primarily for manufacturing or processing. The term does not include real property containing improvements that are used primarily for residential, agricultural, or retail purposes or for warehousing that is not incidental to the manufacturing or processing on the property.

Representative Saunders moved to table Amendment No. 1.

The motion to table was lost.

Amendment No. 1 was adopted without objection.

**CSHB 2758**, as amended, was passed to engrossment.

### **HB 2646 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 2646**, A bill to be entitled An Act relating to the Code of Criminal Procedure.

The bill was read second time.

Representative Moreno raised a point of order against further consideration of **HB 2646** on the grounds that **HB 2646** violates Rule 8, Section 1, of the House Rules.

The speaker sustained the point of order, speaking as follows:

Representative Moreno raises a point of order against further consideration of **HB 2646** under Rule 8, Section 1, in that the bill's caption fails to give reasonable notice of the subject of the bill.

**HB 2646** repeals Chapter 52 of the Code of Criminal Procedure, which governs courts of inquiry conducted by district judges. The caption of the bill reads: "relating to the Code of Criminal Procedure."

While the bill's caption is accurate in that the subject of the bill is an element of the Code of Criminal Procedure, it goes without saying that the Code contains many more elements. In the opinion of the chair, the subject of the bill at its broadest reading is courts of inquiry. Nothing in the caption of the bill gives the legislature and the public notice that the bill addresses only this narrow element of the Code of Criminal Procedure. By any reasonable standard, the caption fails to meet the minimal requirements of the rules.

Accordingly, the point of order is well-taken and sustained.

#### **RULES SUSPENDED**

Representative Berlanga moved to suspend the 5-day posting rule to allow the Committee on Public Health to consider **SB 1096**.

The motion prevailed without objection.

Representative Seidlits moved to suspend the 5-day posting rule to allow the Committee on State Affairs to consider **SB 1295**.

The motion prevailed without objection.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Public Safety, on recess today, Desk 43, to consider pending business.

Judicial Affairs, on recess today, speakers committee room.

Conference Committee on SB 60, 7 a.m. Wednesday, May 10, lieutenant governor's committee room.

State Affairs, on recess today, E2.014, Capitol Extension, to consider pending business.

#### **RECESS**

Representative Davis moved that the house recess until 2 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:12 p.m., recessed until 2 p.m.

#### **AFTERNOON SESSION**

The house met at 2 p.m. and was called to order by the speaker.

**HB 1805 - VOTE RECONSIDERED**

Representative Place moved to reconsider the vote by which **HB 1805** was passed.

The motion to reconsider prevailed.

**HB 1805 ON THIRD READING**

The speaker laid before the house, on its third reading and final passage,

**HB 1805**, A bill to be entitled An Act relating to the procedures for determining eligibility for parole of a defendant serving a life sentence after conviction of a capital felony.

A record vote was requested.

The bill was read third time and was passed by (Record 348): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davila.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Sadler; Williamson.

Absent — Johnson.

**STATEMENT OF VOTE**

When Record No. 348 was taken, I was temporarily out of the house chamber. I would have voted yes.

Johnson

**HR 842 - ADOPTED**

Representative Berlanga moved to suspend all necessary rules to take up and consider at this time **HR 842**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Berlanga, Luna, and T. Hunter

**HR 842**, Congratulating Vann M. Kennedy on the occasion of his 90th birthday.

The resolution was adopted without objection.

### **HB 2766 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2766**.

**CSHB 2766**, A bill to be entitled An Act relating to providing fairness and choice to patient and providers under managed care health benefit plans; providing penalties.

**CSHB 2766** was read second time.

(Black in the chair)

(Speaker in the chair)

### **Amendment No. 1**

Representative Smithee offered the following amendment to **CSHB 2766**: Amend **CSHB 2766** by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 21, Insurance Code, is amended by adding Subchapter G to read as follows:

#### SUBCHAPTER G. PATIENT PROTECTION ACT

Art. 21.101. SHORT TITLE. This subchapter may be cited as the Patient Protection Act.

Art. 21.102. DEFINITIONS. In this subchapter:

(1) "Commissioner" means the Commissioner of Insurance.

(2) "Emergency care services" means medical services provided for an emergency medical condition.

(3) "Emergency medical condition" means:

(A) a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, so that the absence of immediate medical attention could reasonably be expected to result in:

(i) placing the health of the individual or, if the individual is a pregnant woman, the health of the woman or her unborn child, in serious jeopardy;

(ii) serious impairment to a bodily function; or

(iii) serious dysfunction of an organ or part of the

body; or

(B) with respect to a pregnant woman who is having contractions:

(i) that there is inadequate time to effect a safe transfer to another hospital before delivery; or

(ii) that transfer to another hospital may pose a threat to the health or safety of the woman or the unborn child.

(4) "Managed care entity" means an insurance company authorized to do business in this state, a group hospital service corporation licensed under Chapter 20 of this code, or a health maintenance organization licensed under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code).

(5) "Managed care plan" means a plan operated by a managed care entity that provides for the financing and delivery of health care services to persons enrolled in the plan through:

(A) arrangements with selected providers to furnish health care services;

(B) explicit standards for the selection of participating providers;

(C) organizational arrangements for ongoing quality assurance, utilization review, and dispute resolution; or

(D) differential coverage or payments or financial incentives for a person enrolled in the plan to use the participating providers and procedures provided by the plan.

(6) "Prospective enrollee" means an individual eligible for enrollment in a managed care plan offered by that individual's employer.

Art. 21.103. APPLICABILITY. This subchapter does not apply to:

(1) a managed care plan that provides for dental care benefits under a health insurance policy;

(2) a Medicare Select policy or certificate; or

(3) a managed care plan that provides for financing and delivery of health care services to persons under a Medicare supplement policy or certificate that includes restricted network provisions.

Art. 21.104. STANDARDS. The commissioner may adopt rules regarding standards ensuring compliance with this subchapter by managed care entities that conduct business in this state.

Art. 21.105. ENROLLEE INFORMATION. (a) A managed care entity shall provide a prospective enrollee a written plan description of the terms and conditions of the plan. The written plan description must be in a readable and understandable format and must include:

(1) coverage provisions;

(2) benefits, including prescription drug coverage, both generic and brand name;

(3) any exclusions by category of service, provider, or physician and, if applicable, by specific service or types of drugs;

(4) any prior authorization or other review requirements, including preauthorization review, concurrent review, postservice review, and postpayment review;

(5) an explanation of enrollee financial responsibility for payment for coinsurance or other noncovered or out-of-plan services;

(6) a disclosure to enrollees that includes the following language:

YOUR RIGHTS UNDER TEXAS LAW:

"As a participant in this medical plan, you have the right to information

about the plan, including how the plan operates, what general types of financial arrangements exist between providers and the plan, names and locations of providers, the numbers of enrollees and providers in the plan, the percentage of premiums allocated for medical care, administrative costs and profit, and an explanation of the benefits to which participants are entitled under the terms of the plan."; and

(7) a phone number and address for the prospective enrollee to obtain additional information concerning the items described by Subdivision (6) of this subsection.

(b) The managed care entity may provide the information under Subsection (a)(6) of this article regarding the percentage of premiums allocated for medical care, administrative costs, and profit by providing the information in the entity's annual financial statement most recently submitted to the department.

(c) The managed care entity shall demonstrate that each covered enrollee has adequate access through the entity's provider network to all items and services contained in the package of benefits for which coverage is provided, including access to medically necessary emergency services on a 24-hour basis. The access must be adequate considering the diverse needs of enrollees.

Art. 21.106. NETWORK CONFIGURATION. The managed care entity shall make available to a prospective enrollee on request, and at the expense of the prospective enrollee, an explanation of the targeted physician or dental network configuration, as appropriate, including geographic distribution of physicians and dentists by specialty and by targeted specialist-to-enrollee ratios. The information required by this subsection shall be updated at least annually and:

(1) on establishment of a new managed care plan;

(2) on expansion of a service area; and

(3) when the network configuration targets are significantly modified.

Art. 21.107. HOSPITAL PARTICIPATION. In determining the criteria for hospital participation, the managed care plan shall accept certification under the Medicare program under Title XVIII of the Social Security Act (42 U.S.C. Section 1395 et seq.) or accreditation by the Joint Commission on Accreditation of Healthcare Organizations. This article does not prohibit a managed care plan from establishing additional criteria for hospital participation.

Art. 21.108. FINANCIAL INCENTIVE PROGRAMS. A managed care plan may not use a financial incentive program that limits medically necessary and appropriate services.

Art. 21.109. PARTICIPATING PROVIDERS. (a) Each managed care plan shall establish a mechanism under which physicians or dentists participating in the plan comment on the plan's medical or dental policy, as appropriate, including coverage of new technology and procedures, the development and use of a prescription drug formulary, utilization review criteria and procedures, quality and credentialing criteria, and medical or dental management procedures. Each managed care plan on request shall make available and disclose to providers the application process and qualification requirements for participation as a provider in the plan. The plan must give a physician or dentist not selected on initial application each reason the initial application was denied.

(b) When a managed care plan accepts a physician or dentist, the plan shall credential the physician or dentist.

(c) Each applicant under consideration for inclusion in the managed care plan shall be reviewed by a credentialing committee including network participating physicians or dentists, as appropriate.

(d) Credentialing of participating physicians or dentists shall be based on identified standards developed after consultation with physicians or dentists credentialed in the plan. The managed care plan shall make the credentialing standards available to applicants.

(e) If economic considerations are part of the decision to select a provider or terminate a contract with a provider, identified criteria shall be used and shall be available to applicants and participating providers. If the plan uses an economic profile of a physician or dentist, the plan must adjust the profile to recognize the characteristics of a physician's or dentist's practice that may account for variations from expected costs.

(f) A managed care plan that conducts or uses economic profiling of physicians or dentists within the plan shall, on a periodic basis, make the profile available to the physician or dentist profiled.

(g) A managed care plan is not required to disclose proprietary information regarding marketplace strategies.

(h) A managed care plan may not exclude a physician or dentist solely because of the physician's or dentist's specialty practice or the anticipated characteristics of the patients of that physician or dentist.

(i) Before terminating a contract with a provider, the managed care plan shall provide a written explanation of the reasons for termination, an opportunity for discussion, and an opportunity to enter into and complete a corrective action plan, if appropriate, as determined by the plan. Except in cases in which there is imminent harm to patient health or an action by a state medical or dental board or other government agency that effectively impairs a physician's or dentist's ability to practice medicine or dentistry, or in cases of fraud or malfeasance, on request and before the effective date of the termination, the physician or dentist is entitled to a review of the plan's proposed action by a plan advisory panel composed of the physician's or dentist's peers. The review may include the appropriateness and requirements of a corrective action plan. The plan shall consider the decision of the advisory panel but is not bound by that decision.

(j) If the action that is under consideration is of a type that must be reported to the National Practitioner Data Bank or a state medical board under federal or state law, the physician's procedural rights must meet the standards set forth in the federal Health Care Quality Improvement Act of 1986 (42 U.S.C. Section 11101 et seq.). For purposes of this subsection, a managed care entity shall be considered a health care entity as defined by Section 1.03, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes).

(k) The managed care plan shall establish reasonable procedures for assuring a transition of enrollees of the plan to new physicians or dentists.

(l) If a contract with a provider is terminated by a managed care plan, the plan shall reimburse the provider the reasonable cost for copies of medical or dental records that are created, kept, or maintained by the provider and

requested by the patient to be provided by the provider to another provider. If a provider terminates the contract with the plan, the provider shall bear the reasonable cost of providing copies of medical or dental records that are created, kept, or maintained by the provider and provided on request from the patient by the provider to a provider designated by the patient.

(m) This subchapter does not prohibit a managed care plan from rejecting an application for a participating provider based on the determination that the plan has sufficient qualified providers.

Art. 21.110. EMERGENCY SERVICES. A managed care plan shall:

(1) cover emergency care services provided to covered individuals, without regard to whether the provider furnishing the services has a contractual or other arrangement with the entity to provide items or services to covered individuals, including the treatment and stabilization of an emergency medical condition;

(2) provide that the prior authorization requirement for medically necessary services provided or originating in a hospital emergency room following treatment or stabilization of an emergency medical condition are approved unless denied in the time appropriate to the circumstances relating to the delivery of the services and the condition of the patient, as determined by the treating physician and communicated to the plan; and

(3) cover any medical screening examination to determine whether an emergency medical condition exists or other evaluation required by state or federal law to be provided in the emergency room of a hospital.

Art. 21.111. PRIOR AUTHORIZATION; CONSENT. A plan for which prior authorization is a condition to coverage of a service must ensure that enrollees are required to sign medical and dental information release consent forms on enrollment.

Art. 21.112. UTILIZATION REVIEW. A managed care plan is subject to and shall meet the requirements of Article 21.58A of this code.

Art. 21.113. PRIVATE CAUSE OF ACTION. This subchapter and rules adopted under this subchapter do not:

(1) provide a private cause of action for damages or create a standard of care, obligation, or duty that provides a basis for a private cause of action for damages; or

(2) abrogate a statutory or common law cause of action, administrative remedy, or defense otherwise available and existing before June 1, 1996.

SECTION 2. Sections 14(g) and (h), Article 21.58A, Insurance Code, are amended to read as follows:

~~(g) This [A health maintenance organization is not subject to this article except as expressly provided in this subsection and Subsection (i) of this section. If such health maintenance organization performs utilization review as defined herein, it shall, as a condition of licensure:~~

~~[(1) comply with Sections 4(b), (c), (e), (f), (h), (i), and (l) of this article, and the board shall promulgate rules for appropriate verification and enforcement of compliance. However, nothing in this] article does not [shall be construed to] prohibit or limit the distribution of a proportion of the savings from the reduction or elimination of unnecessary medical services, treatment, supplies, confinements, or days of confinement in a health care facility through~~

profit sharing, bonus, or withhold arrangements to participating physicians or participating health care providers for rendering health care services to enrollees[;

~~[(2) establish and maintain a system for:~~

~~[(A) handling and responding to complaints by enrollees, patients, or health care providers;~~

~~[(B) providing health care providers with notice of medical necessity or program requirements that have not been met, including a reasonable opportunity to discuss the plan of treatment and clinical basis for a utilization review determination with a physician; and~~

~~[(C) providing the enrollee, patient, and health care provider an opportunity to appeal the determination; and~~

~~[(3) submit to assessment of maintenance taxes under Article 20A.33, Texas Health Maintenance Organization Act (Article 20A.33, Vernon's Texas Insurance Code), to cover the costs of administering compliance of health maintenance organizations under this section].~~

(h) An insurer or health maintenance organization which delivers or issues for delivery a health insurance policy or evidence of coverage in Texas and is subject to this code is not subject to this article except as expressly provided in this subsection and Subsection (i) of this section. If an insurer performs utilization review as defined herein it shall, as a condition of licensure, comply with Sections 4 through 8 of this article, and the board shall promulgate rules for appropriate verification and enforcement of compliance. If a health maintenance organization performs utilization review as defined in this article, it shall, as a condition of licensure, comply with this article, and the board shall adopt rules for appropriate verification and enforcement of compliance. Such insurers and health maintenance organizations shall be subject to assessment of maintenance tax under Article 4.17 of this code or Section 33, Texas Health Maintenance Organization Act (Article 20A.033, Vernon's Texas Insurance Code), to cover the costs of administering compliance of insurers and health maintenance organizations under this section.

SECTION 3. (a) This Act takes effect September 1, 1995.

(b) This Act applies only to coverage under a managed care plan that is delivered, issued for delivery, or renewed on or after June 1, 1996. Coverage under a managed care plan that is delivered, issued for delivery, or renewed before June 1, 1996, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(c) This Act applies only to credentialing of health care providers under a managed care plan on or after June 1, 1996. Credentialing of health care providers before June 1, 1996, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

**Amendment No. 2**

Representative Janek offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 by Smithee to read as follows:

Amend **CSHB 2766** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter E, Chapter 21, Insurance Code, is amended by adding Article 21.53C to read as follows:

**Art. 21.53C. CHOICE OF HEALTH CARE PROVIDER**

**Sec. 1. DEFINITIONS.** In this article:

(1) "Health insurance policy" means an individual, group, blanket, or franchise insurance policy, insurance agreement, group hospital service contract, or evidence of coverage issued by a health maintenance organization that provides benefits for health care expenses incurred as a result of an accident or sickness.

(2) "Health care services" means services furnished to a person to prevent, alleviate, or cure illness or injury.

(3) "Health care provider" means a person licensed by the Texas State Board of Medical Examiners under the Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes) to practice medicine in this state.

**Sec. 2. PROHIBITED PROVISIONS.** (a) A health insurance policy that is delivered, renewed, or issued for delivery in this state may not:

(1) prevent a person who is a party to or beneficiary of the health insurance policy from selecting a health care provider to furnish the health care services offered by the policy or interfere with selection, provided the health care provider is licensed to furnish the health care services in this state;

(2) deny a health care provider the right to participate as a contracting provider for the policy, provided the health care provider is licensed to furnish the health care services offered by the policy;

(3) authorize a person to interfere in the diagnosis or treatment rendered by a health care provider to the patient to prevent, alleviate, or cure illness or injury within the scope of the provider's license; or

(4) require that a health care provider furnishing health care services make or obtain X-rays or any other diagnostic aids to prevent, alleviate, or cure illness or injury.

(b) Subsection (a)(4) of this section does not prohibit requests for existing X-rays or other existing diagnostic aids to determine benefits payable under a health insurance policy.

(c) This section does not prohibit the predetermination of benefits for health care expenses before treatment by the health care provider.

**Sec. 3. MANDATORY PROVISIONS.** (a) A health insurance policy that is delivered, renewed, or issued for delivery in this state must:

(1) disclose, if applicable, that the benefit offered is limited to the least costly treatment; and

(2) define and explain the standard on which the payment of benefits or reimbursement for the cost of health care services is based or state the amount of the payment or reimbursement for health care services to be provided.

(b) The payment or reimbursement for a noncontracting health care provider must be the same as the payment or reimbursement for a contracting health care provider. A health insurance policy is not required to pay or reimburse an amount greater than the amount specified under Subsection (a)(2) of this section or greater than the fee charged by the health care provider for the health care services rendered.

Sec. 4. PROVISIONS IN CONFLICT WITH ARTICLE. A provision in a health insurance policy that is delivered, renewed, or issued for delivery in this state that is contrary to this article is void to the extent of the conflict.

Sec. 5. CERTAIN EXEMPTIONS AND EXCEPTIONS NOT APPLICABLE. The exemptions and exceptions in Articles 13.09 and 21.41 of this code do not apply to this article.

Sec. 6. TYPE OF BENEFITS NOT MANDATED. This article does not mandate that any type of benefits for health care expenses be provided by a health insurance policy.

Sec. 7. CERTAIN CONDUCT PERMITTED. (a) A health care provider may contract directly with a patient to furnish health care services to the patient.

(b) A person providing a health insurance policy may:

(1) make available to its insureds information relating to health care services by the distribution of factually accurate information regarding health care services, rates, fees, location, and hours of service only if the distribution is made on the request of a health care provider licensed by this state;

(2) establish an administrative mechanism that facilitates payment for health care services by insureds to the health care provider of their choice; or

(3) pay or reimburse, on a nondiscriminatory basis, its insureds for the cost of health care services rendered by the health care provider of their choice.

SECTION 2. This Act takes effect September 1, 1995, and applies only to a health insurance policy that is delivered, renewed, or issued for delivery in this state on or after January 1, 1996. A policy delivered, renewed, or issued for delivery in this state before January 1, 1996, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

(Black in the chair)

Representative Berlanga moved to table Amendment No. 2.

The motion to table prevailed.

### **Amendment No. 3**

Representative McDonald offered the following amendment to Amendment No. 1:

Amend floor amendment No. 1 by Smithee to **CSHB 2766** as follows:

(1) On page 3, line 23, between "Disclosure" and "that includes" by striking "to enrollees".

(2) On page 4, line 7, by striking "As a participant in this medical plan, you" and substituting "You".

Amendment No. 3 was withdrawn.

#### **Amendment No. 4**

Representative Coleman offered the following amendment to Amendment No. 1:

Amend floor amendment by Smithee to **CSHB 2766** on page 8, by striking lines 9-11 and substituting the following: (k) The commissioner by rule shall establish procedures for ensuring an orderly and prompt transition of managed care plan enrollees to new physicians or dentists when their selected or assigned providers leave the plan for any reason."

Amendment No. 4 was withdrawn.

(Speaker in the chair)

#### **Amendment No. 5**

Representative Maxey offered the following amendment to Amendment No. 1:

Amend floor amendment by Smithee to **CSHB 2766** on page 5, between lines 1 and 2, by inserting the following:

"(d) If the managed care plan uses a capitation method of compensation, the plan must establish and follow procedures that ensure that:

(1) each plan application form includes a space in which each enrollee selects a primary care doctor or dentist;

(2) each enrollee who fails to select a primary care doctor or dentist and is assigned a provider is notified of the name and location of that provider;

(3) a provider to whom an enrollee is assigned is physically located within a reasonable travel distance, as established by rule adopted by the commissioner, from the residence or place of employment of the enrollee.

Amendment No. 5 was adopted without objection.

#### **Amendment No. 6**

Representative Maxey offered the following amendment to Amendment No. 1:

Amend floor amendment by Smithee to **CSHB 2766** on page 10, between lines 2 and 3, by inserting the following:

"Art. 21.114. REPORT TO CONSUMERS. The office of public insurance counsel shall issue an annual report to consumers on the performance of managed care entities. The office shall have access to:

(1) information available to perspective enrollees under Article 21.106 of this code;

(2) information contained in complaints relating to managed care entities made to the department or to the Texas Department of Health, provided that the office shall maintain as confidential any information in the complaint that relates to a patient and that is made confidential by another law; and

(3) any statistical information relating to utilization, quality assurance, and complaints that a health maintenance organization is required to maintain under rules adopted by the commissioner or the Texas Department of Health.

Representative Smithee moved to table Amendment No. 6.

The motion to table prevailed.

#### **Amendment No. 7**

Representative McDonald offered the following amendment to Amendment No. 1:

Amend Amendment No. \_\_\_\_ by Smithee to **CSHB 2766** as follows:

(1) On page 4, strike line 4 and substitute "(6) a disclosure that includes the".

(2) On page 4, strike line 7 and substitute "You have the right to".

Amendment No. 7 was withdrawn.

#### **Amendment No. 8**

Representative Bailey offered the following amendment to Amendment No. 1:

Amend the proposed floor substitute to **CSHB 2766** as follows:

1) On page 3, between lines 1 and 2, insert a Subsection (7) to read as follows:

(7) "Participating provider" means a podiatrist, pharmacist, optometrist, psychologist, clinical social worker, advanced nurse practitioner, and chiropractor.

2) On page 5, on line 5, between "physician" and "or" insert ", other participating provider".

3) On page 5, on line 6, between "physicians" and "and" insert ", other participating providers".

4) On page 5, on line 26, between "physicians" and "or" insert "and other participating providers".

5) On page 6, on line 8, between "physician" and "or" insert ", other participating provider".

6) On page 6, on line 10, between "physician" and "or" insert ", other participating provider".

7) On page 6, on line 11, between "physician" and "or" insert ", other participating provider".

8) On page 6, on line 14, between "physicians" and "or" insert ", other participating providers".

9) On page 6, on line 16, between "physicians" and "or" insert ", other participating providers".

10) On page 6, on line 18, between "physicians" and "or" insert ", other participating providers".

11) On page 6, on line 25, between "physician" and "or" insert ", other participating provider".

12) On page 6, on line 26, between "physician's" and "or" insert ", other participating provider's".

13) On page 7, on line 3, between "physicians" and "or" insert ", other participating providers".

14) On page 7, on line 4, between "physician" and "or" insert ", other participating provider".

15) On page 7, on line 8, between "physician" and "or" insert ", other participating provider".

16) On page 7, on line 9, between "physician's" and "or" insert ", other participating provider's".

17) On page 7, on line 11, between "physician" and "or" insert ", other participating provider".

18) On page 7, strike lines 18 through 20, and substitute the following:  
"medical, dental, or other participating provider licensing board or other government agency that effectively impairs the physician's, dentist's, or other participating provider's ability to practice medicine, dentistry, or another health care profession or in cases of fraud or malfeasance, on request and"

19) On page 7, on line 21, between "physician" and "or" insert ", other participating provider".

20) On page 7, on line 23, between "physician's" and "or" insert ", other participating provider's".

21) On page 8, on line 11, between "physicians" and "or" insert ", other participating providers".

Representative Smithee moved to table Amendment No. 8.

The motion to table was lost.

Amendment No. 8 was adopted without objection.

### **Amendment No. 9**

Representative Naishtat offered the following amendment to Amendment No. 1:

Amend floor amendment No. \_\_\_\_ by Smithee to **CSHB 2766** on page 10, between lines 2 and 3, by inserting the following:

"Art. 21.114. COMPLAINT SYSTEM; APPEALS PROCESS. The commissioner shall establish minimum standards for the complaint system used by a managed care plan and an appeals process for enrollees who are denied treatment, referrals, or services. The standards must include guidelines for expedited resolution applicable to a person with a special circumstance, such as a disability or life-threatening illness, who is denied services as a result of established conditions of the plan, limitations of coverage, network configuration, or requirements for participating specialists."

Representative Smithee moved to table Amendment No. 9.

The motion to table prevailed.

### **Amendment No. 10**

Representatives Berlanga, Harris, and Maxey offered the following amendment to Amendment No. 1:

Amend Amendment No. \_\_\_\_\_ by \_\_\_\_\_ to **CSHB 2766** on page 10, between lines 2 and 3, by inserting the following:

Art. 21.114. ANNUAL PERFORMANCE REPORT. (a) The office of public insurance counsel shall issue an annual report to consumers on the performance of managed care entities.

(b) The office of public insurance counsel shall have access to:

(1) information provided to prospective enrollees under Article 21.106 of this code;

(2) information contained in complaints relating to managed care entities made to the department or to the Texas Department of Health, provided that the office shall maintain as confidential any information in the complaint that relates to a patient and that is made confidential by another law; and

(3) any statistical information relating to utilization, quality assurance, and complaints that a health maintenance organization is required to maintain under rules adopted by the commissioner or the Texas Department of Health.

(c) The office of public insurance counsel shall provide a copy of the report to a person on request on payment of a reasonable fee. The public insurance counsel shall set the fee in the amount necessary to defray the cost of producing the report.

Amendment No. 10 was adopted without objection.

#### **Amendment No. 11**

Representative Haggerty offered the following amendment to Amendment No. 1:

Amend Amendment No. \_\_\_\_ by Smithee to **CSHB 2766** by adding an appropriately numbered section to read as follows and renumbering subsequent sections appropriately:

SECTION \_\_\_\_, Section 161.091(f), Health and Safety Code, is amended to read as follows:

(f) This section shall not apply to licensed insurers, governmental entities, including intergovernmental risk pools established under Chapter 172, Local Government Code, and institutions as defined in the Texas State College and University Employees Uniform Insurance Benefits Act (Article 3.50-3, Vernon's Texas Insurance Code), group hospital service corporations, preferred provider organizations, or health maintenance organizations which reimburse, provide, offer to provide, or administer hospital, medical, dental, or other health-related benefits under a health benefits plan for which it is the payor.

Amendment No. 11 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

**CSHB 2766**, as amended, was passed to engrossment.

#### **HB 2890 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 2890**, A bill to be entitled An Act relating to changing certain dates in law related to the management of the Edwards Aquifer.

The bill was read second time.

**Amendment No. 1**

Representative Corte offered the following amendment to the bill:

Amend **HB 2890** (House Committee Report) by adding a new section of the bill, appropriately numbered, to read as follows:

SECTION \_\_\_\_\_. Section 1.12, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1.12. SUNSET COMMISSION REVIEW. (a) The board is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that Act. The review shall be conducted as if the board were scheduled to be abolished September 1, 2005, except as provided by Subsection (b) of this section.

(b) If the Edwards Aquifer Legislative Oversight Committee finds that the federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.) is amended to the degree that the board's regulation of withdrawals from the aquifer as provided by this Act is not necessary for compliance with the federal Endangered Species Act, the committee shall initiate a review as if this Act was scheduled to expire on September 1 of the year following the year in which the amendment takes effect. Following that review, the committee shall make recommendations to the legislature regarding the repeal or amendment of this Act as necessary or prudent to manage the aquifer in compliance with federal requirements.

(c) Unless members of the board are continued in office after the review under Subsection (a) of this section, their membership expires September 1, 2005.

(d) [(c)] When the membership of the board of directors expires under Subsection (c) [(b)] of this section, a new board of directors shall be appointed as provided by this article, with each new member serving for the unexpired term of the member's predecessor. A member whose membership has expired under Subsection (c) [(b)] is not eligible for reappointment under this subsection.

Amendment No. 1 was adopted without objection.

**HB 2890**, as amended, was passed to engrossment.

**HB 3189 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 3189**.

**CSHB 3189**, A bill to be entitled An Act relating to the board of directors of the Edwards Aquifer Authority and the management of the Edwards Aquifer.

**CSHB 3189** was read second time.

Representative Hilderbran moved to table **CSHB 3189**.

(Hernandez now present)

A record vote was requested.

The motion to table was lost by (Record 349): 17 Yeas, 117 Nays, 7 Present, not voting.

Yeas — Alvarado; Conley; Cook; Corte; Davis; Delisi; Giddings; Hilderbran; Hudson; Jones, J.; King; Mowery; Ogden; Price; Swinford; Tillery; Walker.

Nays — Alexander; Allen; Alonzo; Averitt; Bailey; Black; Bosse; Brady; Brimer; Carona; Carter; Clemons; Coleman; Combs; Counts; Crabb; Craddick; Cuellar, R.; Culberson; Danburg; De La Garza; Denny; Driver; Duncan; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hill; Hirschi; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Junell; Kamel; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCoulskey; McDonald; Moffat; Moreno; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Talton; Telford; Thompson; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C); Berlanga; Dukes; Dutton; Edwards; Kubiak; Marchant.

Absent, Excused — Davila.

Absent, Excused, Committee Meeting — Dear; Hochberg; Sadler; Williamson.

Absent — Chisum; Cuellar, H.; McCall; Ramsay.

### **Amendment No. 1**

Representative Conley offered the following amendment to **CSHB 3189**:

Amend **CSHB 3189** by striking all below the enacting clause (House Committee Report, beginning on page 1, line 5) and substituting the following:

SECTION 1. Article 1, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by amending Section 1.09 and by adding Sections 1.091 and 1.092 to read as follows:

Sec. 1.09. **BOARD OF DIRECTORS; ELECTIONS; TERMS.** (a) The authority is governed by a 15-member board of directors elected from the single-member election districts described by Section 1.092 of this article. Directors serve staggered four-year terms with as near as possible to one-half of the members' terms expiring December 1 of each odd-numbered year. A director serves until the director's successor has been elected and qualifies for office.

(b) The board shall order elections of the appropriate number of directors to replace those whose terms are nearest expiration to be held on the uniform election date in November of each odd-numbered year.

(c) If a director's position becomes vacant for any reason, the board shall appoint a qualified person to serve until the first election of directors following the appointment. If the position is not scheduled to be filled at that election, the board shall provide for a director to be elected at that election to serve in the position for the remainder of the unexpired term. [~~board of nine directors.~~

~~[(b) The board consists of:~~

~~[(1) a member appointed by the South Central Texas Water Advisory Committee created by this Act;~~

~~[(2) three residents of Bexar County, with two residents appointed by the governing body of the city of San Antonio and one resident appointed by the Commissioners Court of Bexar County to represent cities and communities in the county other than the city of San Antonio;~~

~~[(3) one resident of Comal County or the city of New Braunfels appointed by the Commissioners Court of Comal County;~~

~~[(4) one resident of Hays County appointed by the governing body of the city of San Marcos;~~

~~[(5) one resident of Medina County appointed by the governing body of the Medina Underground Water Conservation District;~~

~~[(6) one resident of Uvalde County appointed by the governing body of the Uvalde Underground Water Conservation District; and~~

~~[(7) one person appointed in rotation who is from Atascosa, Medina, or Uvalde counties, with that person appointed by the governing body of the Evergreen Underground Water District, by the Medina Underground Water Conservation District, or by the Uvalde County Underground Water Conservation District, with the person appointed by the Evergreen Underground Water District serving the first term, followed by a person appointed by the Medina Underground Water Conservation District to serve the second term, followed by a person appointed by the Uvalde County Underground Water Conservation District to serve the third term, and rotating in that order of appointment for subsequent terms.~~

~~[(c) The Commissioners Court of Bexar County and the governing body of the city of San Antonio shall make appointments under Subsection (b) of this section that accurately reflect the ethnic composition of the population of Bexar County.~~

~~[(d) The initial directors of the board shall draw lots to determine their terms. Four initial directors serve terms that expire June 1, 1995. Five initial directors serve terms that expire June 1, 1997. Subsequent directors shall be appointed to serve staggered four-year terms, the appropriate number of which expire June 1 of each odd-numbered year.~~

~~[(e) At the initial meeting of the board, the members shall select one member to serve as presiding officer. The presiding officer serves a term set by rule of the board not to exceed four years. An act of the board is not valid unless adopted by the affirmative vote of a majority of the members of the board.~~

~~[(f) A board member receives no compensation for service on the board but is entitled to reimbursement for actual and necessary expenses incurred in the performance of the member's duties.~~

~~[(g) A board member shall hold office until a successor has been selected and approved and has qualified by taking the oath of office.~~

~~[(h) If a vacancy on the board occurs, the governing body that appointed the vacating member shall appoint another person having the same qualifications required of the vacating member to serve the unexpired portion of the vacating member's term.]~~

Sec. 1.091. INITIAL ELECTION OF DIRECTORS. (a) The initial election of directors of the authority shall be ordered and conducted by the county clerk of each county a portion of which is included in the authority's boundaries. The election shall be held on the uniform election date in November 1995, in conjunction with other elections held on that date. The county clerk of each county shall provide for the names of the candidates for election to the office of director from the election districts described by Section 1.092 of this article that are wholly or partially in the county to be printed on the ballots for the elections held on that date or on a separate ballot, as appropriate. The county clerk shall conduct the election in a manner to ensure that only voters who reside in the single-member election districts vote in the election of directors.

(b) For the initial election of directors, the county judge of Bexar County shall act as the canvassing board to receive and canvass the votes cast in each election district and to declare the results of the election. In each county, the election officers shall return the results to the commissioners court of the county and return all ballot boxes to the county clerk. On receiving the election returns, the commissioners court of each county shall canvass the returns and certify the results of the election in that county to the county judge of Bexar County. The county judge of Bexar County shall canvass the returns and certify the results of the election to the Texas Natural Resource Conservation Commission and the secretary of state.

(c) The initial directors elected from odd-numbered election districts described by Section 1.092 of this article serve terms expiring December 1, 1997, and the initial directors elected from even-numbered election districts described by that section serve terms expiring December 1, 1999.

Sec. 1.092. SINGLE-MEMBER ELECTION DISTRICTS. (a) District 1 is composed of Bexar County tracts 1203, 1204, 1205.02, 1206, 1208, 1209.02, 1211.03, 1211.04, 1211.05, 1211.06, 1211.07, 1211.08, 1212.01, 1212.02, 1218.01, 1218.03, 1218.04, 1218.05, 1219.02, 1914.02, 1917, 1918.01, and 1918.02; and that part of Bexar County tract 1205.01 included in block groups 6, 7, 8, and blocks 104, 105, 106, 107, 310, 501, and 504; and that part of Bexar County tract 1207 included in block groups 2 and 3 and blocks 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 120, 121, 122, 123, 124, 125, 407, 408, 409, 410, 411, 412, 413, 414, 415, 417, 418, 419, 502, 503, 504, 505, and 506; and that part of Bexar County tract 1209.01 included in block groups 2 and 3 and blocks 102, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, and 132; and that part of Bexar County tract 1210 included in block groups 4, 5, and 6; and that part of Bexar County tract 1213 included in block groups 1 and 2; and that part of Bexar County tract 1214.01 included in blocks 102A, 102B, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 113; and that part of Bexar County tract 1215.01 included in blocks 101, 102, 103, 104, 105A, 105B, 106, 108, 109, 110, 118, 119, 120, 121, 122, 123, 124, 125, 126, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, and 231; and that part of Bexar County tract 1216.03 included in block groups 3, 4, 5, 6, and blocks 101, 102, 103A, 103B, 103C, 104, 105A, 105B, 107, 108, 109, 201B, 201C, 201E, 202, 204, 205, and 206; and that part

of Bexar County tract 1217 included in blocks 101A, 101B, 101C, 101D, 111A, 111B, and 112; and that part of Bexar County tract 1218.02 included in block groups 1 and 3; and that part of Bexar County tract 1219.01 included in blocks 202, 203, 204, 205, 206A, 206B, 207A, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, and 318; and that part of Bexar County tract 1903 included in blocks 132A, 133, 134A, 134B, 134C, 134D, 135A, and 135B; and that part of Bexar County tract 1904 included in blocks 101A, 101B, 103, 104, and 105; and that part of Bexar County tract 1908 included in blocks 101, 102, 103, 105, 106, 107, 108, 110, 111, 112, 113, 118, 120, 122, 125, 127, 130, 201, 202, 204, 205, 208, 210, 211, 212, 216, 217, 218, 219, 220, 221, 225, 301, 302, 304, 305, 306, 307, 311, 313, 314, 315, 316, 317, 318, 319, 320, 321, and 334; and that part of Bexar County tract 1909 included in blocks 313, 317, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, and 329; and that part of Bexar County tract 1912 included in block groups 1, 2, 6, 7, and blocks 301, 302, 303, 304, 305, 306, 309, 310, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, and 511; and that part of Bexar County tract 1913 included in block groups 1, 4, 5, and blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 215, 216, 217, 218, 219, 220, 221, 222, 236, 237, 244, 301, 302, 303, 304, 305, 306, 307, 308, and 310; and that part of Bexar County tract 1914.01 included in block group 1; and that part of Bexar County tract 1914.03 included in block groups 3 and 4.

(b) District 2 is composed of Bexar County tracts 1102, 1201.85, 1214.02, 1301, 1302, 1303, 1305, 1306, 1307.85, 1308, 1308.84, 1309, 1310, 1311, 1312, 1313, 1314, 1315.01, 1315.02, and 1316.04; and that part of Bexar County tract 1101 included in block groups 2, 3, 4, 5, 6, 7, and blocks 102, 103, 104, 105, 106, 107, 110, 111, 112, 113, 114, 118, 119, 120, 121, 122, 124, 125, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 142, and 144; and that part of Bexar County tract 1109 included in blocks 126, 130, 201, 202, 203, 204, 209, 210, 211, 212, 213, 214, 217, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, and 249; and that part of Bexar County tract 1110 included in block group 1 and blocks 201, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231A, 231B, 232, 233, 234, 235, 236, 237, 238, 239, 401, 406, 407, 408, 409, 410, 415, 416, and 417; and that part of Bexar County tract 1202.85 included in block groups 1, 2, 3, 4, 5, 9, and blocks 601, 602, 603, 604, 605, 606, 607, 608A, 608B, 610, 613, 614, 615, and 617; and that part of Bexar County tract 1205.01 included in block groups 2 and 4 and blocks 101, 102, 103, 108, 109, 110, 111, 301, 302, 303, 304, 305, 306, 307, 308, 309, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 502, 503, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, and 520; and that part of Bexar County tract 1214.01 included in block groups 4, 5, 6, and 7; and that part of Bexar County tract 1215.02 included in block groups 4 and 5; and that part of Bexar County tract 1215.03 included in block groups 3 and 4; and that part of Bexar County tract 1304 included in block groups 1 and 8 and blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214B, 701, 704B, 705, 706, and 707; and that part of Bexar County tract 1404 included in blocks 408, 409, and 411; and that part of Bexar County tract 1902

included in blocks 317 and 318; and that part of Bexar County tract 1903 included in blocks 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 112, 121, 122, 123, 126, 127, 132B, and 138; and that part of Bexar County tract 1904 included in blocks 102, 106, 107, 108, 109, 110, 111, 118, 122, 201, 202, 209, 210B, 301, 309, 310, 311, and 404.

(c) District 3 is composed of Bexar County tracts 1105, 1106, 1107, 1108, 1601, 1701, 1702, 1704, 1705, 1809.01, 1809.02, 1810.01, 1811, 1901, 1905, 1906, 1907, 1910.01, 1910.02, 1911.01, and 1911.02; and that part of Bexar County tract 1101 included in blocks 101, 108, and 109; and that part of Bexar County tract 1104 included in block groups 3 and 4 and blocks 106, 202, 203, 204, and 205; and that part of Bexar County tract 1109 included in blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 128, 139, 140, 205, 206, 207, 208, 215, 216, 218, 219, 230A, 230B, 231, 232, 233, and 234; and that part of Bexar County tract 1110 included in block group 3 and blocks 202, 203, 204, 205, 402, 403, 404, 405, 411, 412, 413, 414, 418, 419, and 420; and that part of Bexar County tract 1202.85 included in blocks 609, 611, 612, and 616; and that part of Bexar County tract 1207 included in block groups 6, 7, 8, and blocks 101, 102, 103, 119, 401A, 401B, 402, 403, 404, 405, 406, 416, 420, 421, and 501; and that part of Bexar County tract 1209.01 included in blocks 101 and 140; and that part of Bexar County tract 1210 included in block groups 1, 2, and 3; and that part of Bexar County tract 1501 included in blocks 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 624, 625, and 626; and that part of Bexar County tract 1602 included in blocks 214, 303, and 310; and that part of Bexar County tract 1605 included in block groups 2 and 3 and blocks 117, and 118; and that part of Bexar County tract 1703 included in block groups 1, 2, 7, 8, and blocks 301, 302, 303, 304, 305, 306, 307, 308, 311, 312, 321, 322, 323, 324, 327, 399, 405, 406, 414, 415, 505, 506, 513, 514, 605, 606, 612, 613, 614, and 615; and that part of Bexar County tract 1802 included in block groups 1, 2, 3, 4, 7, 8, and 9; and that part of Bexar County tract 1808 included in blocks 110B and 111; and that part of Bexar County tract 1812 included in blocks 401, 402, 408, 409, 410, 411, and 412; and that part of Bexar County tract 1813 included in block groups 1, 2, 3, 4, and 5; and that part of Bexar County tract 1902 included in block groups 1, 2, 4, 5, 6, 7, and blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 316, 319, 320, and 323; and that part of Bexar County tract 1903 included in blocks 109, 110, and 111; and that part of Bexar County tract 1904 included in blocks 203, 204, 205, 206, 207, 208, 210A, 211, 212, 213, 214, 215, 303, 304, 305, 306, 307, 308, 312, 313, 314, 401, 402, 403, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, and 417; and that part of Bexar County tract 1908 included in blocks 104, 109, 124, 126, 128, 129, 206, 207, 213, 214, 215, 222, 303, 308, 309, 310, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 335, and 336; and that part of Bexar County tract 1909 included in block groups 1, 2, 4, 5, 6, 7, 8, 9, and blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 314, 315, 316, and 318; and that part of Bexar County tract 1912 included in block group 4 and blocks 307, 308, 311, 312, 313, 314, 315, and 512; and that part of Bexar County tract 1913 included in blocks 211, 212, 213, 214, 223, 224, 225, 226,

227, 228, 229, 230, 231, 232, 233, 234, 235, 238, 239, 240, 241, 242, 243, 309, 311, 312, and 313; and that part of Bexar County tract 1914.04 included in blocks 202, 203, 204, 205, 206, 207, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, and 317.

(d) District 4 is composed of Bexar County tracts 1617, 1719.01, 1719.02, 1719.03, 1719.04, 1719.05, 1719.06, 1817.01, 1817.03, 1817.04, 1817.05, 1817.06, 1817.07, 1817.08, 1817.09, 1817.10, 1818.01, 1818.05, 1819, 1820, 1821, 1914.05, 1915.01, 1915.02, 1916, and 1918.03; and that part of Bexar County tract 1614.01 included in block 913B; and that part of Bexar County tract 1616 included in block groups 1 and 2 and blocks 304, 305, and 306; and that part of Bexar County tract 1618 included in block groups 1, 2, and 3; and that part of Bexar County tract 1720 included in block group 1 and blocks 201, 202, 203A, 203B, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292A, 292B, 293, 294, 295A, 295B, and 296; and that part of Bexar County tract 1812 included in block groups 1, 2, 3, 5, and blocks 403, 404, 405, 406, and 407; and that part of Bexar County tract 1815.02 included in block groups 5, 6, and 7; and that part of Bexar County tract 1816 included in block group 2 and blocks 101A, 101B, 101C, 102A, 102B, 103, 104A, 104B, 105A, 105B, 106, 107, 108A, 109A, 110A, 111A, 112, 113, 114, 122, 136A, 136B, 143A, 143B, 305, 306, 601, and 602; and that part of Bexar County tract 1818.02 included in block groups 2, 3, 4, 5, and blocks 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 113; and that part of Bexar County tract 1818.03 included in blocks 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 120A, 120B, and 301; and that part of Bexar County tract 1818.04 included in block groups 2, 3, 4, 5, 6, 7, and block 101; and that part of Bexar County tract 1914.01 included in block groups 2 and 3; and that part of Bexar County tract 1914.03 included in block groups 1 and 2; and that part of Bexar County tract 1914.04 included in block group 1 and blocks 201, and 301.

(e) District 5 is composed of Bexar County tracts 1216.01, 1317, 1416, 1418, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1606, 1607.85, 1610.85, 1611, 1612, 1613, 1614.85, 1615.01, 1615.02, 1619, and 1620; and that part of Bexar County tract 1216.03 included in blocks 106A, 106B, 201D, 201F, and 203; and that part of Bexar County tract 1216.04 included in block groups 1 and 2 and blocks 301A, 301B, 302, 303, 304, and 305; and that part of Bexar County tract 1217 included in block groups 2, 3, 4, 5, 6, and blocks 102A, 102B, 103, 104A, 104B, 105, 106, 107, 108, 109, 110A, and 110B; and that part of Bexar County tract 1218.02 included in block group 2; and that part of Bexar County tract 1219.01 included in block group 1 and blocks 201, 207B, 208, 209, 210, 319, and 320; and that part of Bexar County tract 1316.01 included in blocks 101, 102, 103A, 103B, 103C, 103D, 103E, 104A, 104B, 104C, 105A, 105B, 106, 107A, 107B, 108A, 108B, 109, 110, 113, 114, 117, 118A, 118B, 119A, 119B, 119C, 119D, 119E, 119F, 119G, 121A, 121B, 121C, 121D, 121E, 122, 124, 133, 134, 135, 136, 137, 138A, and

138B; and that part of Bexar County tract 1316.03 included in blocks 201 and 204; and that part of Bexar County tract 1318 included in block group 3 and blocks 214, 215, 216, 218, 401, 411, 412, 413, 414, 415, 416, 417, 418, 424, 425, 426, 427, 428, 429, and 430; and that part of Bexar County tract 1415 included in block 901A; and that part of Bexar County tract 1417 included in blocks 101, 102, 103, 104, 105, 106, 107, 108A, 108B, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119A, 119B, 120, 121, 122, 124, 125, 126, 132A, 132B, 133, 134, 135, 136, 139, 140, 141, 142, 143, and 199; and that part of Bexar County tract 1419 included in block group 2 and blocks 101, 102, 103A, 103B, 104, 105, 106, 107, 108, 109, 110, 111A, 111B, 112A, 112B, 301A, 301B, 302, 309A, 310, 311, 312, 314, 315, 316, 317, 318, 319, 320A, 320B, 321, 322, 323, 324, 325, 326, 327, 328, 329A, 329B, 330A, 330B, 331, 332, and 399; and that part of Bexar County tract 1605 included in block groups 6, 7, 8, and blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, and 116; and that part of Bexar County tract 1609 included in block groups 3, 4, 5, and blocks 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, and 618; and that part of Bexar County tract 1614.01 included in blocks 913A, 913C, and 913D; and that part of Bexar County tract 1616 included in blocks 302, 303, 307A, 307B, and 308; and that part of Bexar County tract 1618 included in block group 4; and that part of Bexar County tract 1703 included in blocks 313, 314, 315, 316, 317, 318, 319, 401, 402, 403, 404, 407, 408, 409, 410, 411, 412, 413, 416, 417, 418, 419, 501, 502, 503, 504, 507, 508, 509, 510, 511, 512, 515, 516, 517, 518, 601, 602, 603, 604, 607, 608, 609, 610, 611, 616, and 617; and that part of Bexar County tract 1710 included in block groups 4, 5, and 6; and that part of Bexar County tract 1720 included in block 297.

(f) District 6 is composed of Bexar County tracts 1103, 1215.04, 1401, 1402, 1403, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1603, 1604, and 1608; and that part of Bexar County tract 1104 included in blocks 101, 102, 103, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 201, 206, 207, 208, 209, 210, 211, 212, 213, 214, and 215; and that part of Bexar County tract 1213 included in block groups 3, 4, and 5; and that part of Bexar County tract 1214.01 included in block groups 2 and 3 and block 101; and that part of Bexar County tract 1215.01 included in block group 3 and blocks 107, 111, 112, 113, 114, 115, 116, 117, 127, 128, 129, 130, 131, 232, 233, 234, 235, and 236; and that part of Bexar County tract 1215.02 included in block groups 1, 2, and 3; and that part of Bexar County tract 1215.03 included in block groups 1, 2, 5, 6, 7, and 8; and that part of Bexar County tract 1216.03 included in block 201A; and that part of Bexar County tract 1216.04 included in block group 4 and blocks 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, and 321; and that part of Bexar County tract 1304 included in block groups 3, 4, 5, 6, and blocks 214A, 215, 220, 221, 702, 703, 704A, 720, 726, 734, 735, 736, 737, 738, 739, and 740; and that part of Bexar County tract 1316.01 included in blocks 111, 112, 115A, 115B, 116, 120A, 120B, 120C, 123A, 123B, 125, 126, 127, 128A, 128B, 128C, 129A, 129B, 130, 131A, 131B, 131C, 131D, 132, 139, 140, 141, 142, and 143; and that part of Bexar County

tract 1316.03 included in block groups 1, 3, 4, and blocks 202, 203A, 203B, 203C, 203D, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214A, 214B, 214C, 214D, 214E, 215A, 215B, 216A, 216B, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, and 227; and that part of Bexar County tract 1318 included in block group 1 and blocks 201, 202, 203A, 203B, 204A, 204B, 205, 206A, 206B, 206C, 207A, 207B, 208, 209, 210, 211, 212, 213, 217, 219, 220, 221, 222A, 222B, 223A, 223B, 224, 225, 226, 227, 228, 229, 230, 402, 403, 404, 405, 406, 407, 408, 409, 410, 419, 420, 421, 422, and 423; and that part of Bexar County tract 1404 included in block groups 1, 2, 3, and blocks 401, 402, 403, 404, 405, 406, 407, 410, 414, 415, 423, 424, 425, 426, 428, 429, and 430; and that part of Bexar County tract 1415 included in blocks 901B and 902; and that part of Bexar County tract 1417 included in block group 2 and blocks 123A, 123B, 127A, 127B, 127C, 128A, 128B, 129A, 129B, 130A, 130B, 131, 137A, 137B, 138A, and 138B; and that part of Bexar County tract 1419 included in blocks 113A, 113B, 113C, 114, 115, 303A, 303B, 304A, 304B, 305A, 305B, 306A, 306B, 307, 308, 309B, and 313; and that part of Bexar County tract 1501 included in block groups 1, 2, 3, 4, 5, and blocks 620, 621, 622, 623, 627, 628, and 629; and that part of Bexar County tract 1602 included in block group 1 and blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 304, 305, 306, 307, 308, 309, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, and 321; and that part of Bexar County tract 1605 included in block groups 4 and 5; and that part of Bexar County tract 1609 included in block groups 1 and 7 and blocks 201, 202, 203, 204, 205, 206, 614, 615, 616, 617, 621, and 622.

(g) District 7 is composed of Bexar County tracts 1706, 1707, 1708, 1709, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1801, 1803, 1804, 1805.01, 1805.02, 1806, 1807.01, 1807.02, 1810.03, 1810.04, 1810.05, 1814.01, 1814.02, and 1815.01; and that part of Bexar County tract 1616 included in block 301; and that part of Bexar County tract 1710 included in block groups 1, 2, 3, 7, and 8; and that part of Bexar County tract 1802 included in block groups 5 and 6; and that part of Bexar County tract 1808 included in block groups 2 and 3 and blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110A, 110C, 112, 113, 114, and 115; and that part of Bexar County tract 1813 included in block group 6; and that part of Bexar County tract 1815.02 included in block groups 1, 2, 3, and 4; and that part of Bexar County tract 1816 included in block groups 4 and 5 and blocks 108B, 109B, 110B, 111B, 301, 302, 303, 304, 603, 604, 605, 606, 607, and 608; and that part of Bexar County tract 1818.02 included in block 101; and that part of Bexar County tract 1818.03 included in block group 2 and blocks 101, 102A, 102B, 102C, 103, 104, 105, 106, 107, 119, 302, 303, 304, 305, 306, and 307; and that part of Bexar County tract 1818.04 included in blocks 102, 103, 104, 105, 106, 107, 108, 109, and 110.

(h) District 8 is composed of that part of Comal County tract 3101 included in block group 5 and blocks 101, 102A, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113A, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 130, 131, 132, 133, 134, 135, 142, 143, 144, 145, 146, 147, 148, 149, 150, 201, 202, 211, 212, 213, 214, 225, 226, 243, 244, 245, 301, 302, 303, 304, 305, 309, 310, 312, 315, 316, 317, 318, 319, 320, 321, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419,

420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, and 499; and that part of Comal County tract 3102 included in block group 2 and blocks 110, 111, 118, 125, 127A, 145, 146, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, and 325; and that part of Comal County tract 3103 included in blocks 112B, 212, and 520; and that part of Comal County tract 3104.01 included in block groups 3, 4, 5, 6, and blocks 102, 103, 104, 115, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220A, 220B, 220C, 221, 222, 223, 224, and 225; and that part of Comal County tract 3104.02 included in blocks 201, 206, 207, 208, 302, 401, 402, 403, 404, 405, 406, 407, 408, 410, 411, 412, and 413; and that part of Comal County tract 3105 included in blocks 110, 111, 113, 114, 115, 116, 117, 122, 123, 124, 125, 126, 127, 128, 129, 130, 135, 136, 137, 138, 139, 140, 141, 142, 144, 145, 146, 147, 148, 149, 199X, 199Y, 210, 211, 212, 218, 219, 220, and 222; and that part of Comal County tract 3108 included in blocks 141, 142, 144, 145, 201, 202, 204, 205, 208, 212A, 212B, 214, 217, 218, 219, 220A, 220B, 220C, 221A, 221B, 222, 223A, 223B, 225, 226, 227, 228A, 228B, 228C, 229A, 229B, 230A, 230B, 231B, 232B, 251A, 251B, 252A, and 252B.

(i) District 9 is composed of that part of Comal County tract 3101 included in blocks 102B, 103, 113B, 114, 127, 128, 129, 136, 137, 138, 139, 140, 141, 203, 204, 205, 206, 207, 208, 209, 210, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 227, 306, 307, 308, 311, 313, 314, 322, 323, 324, 325, 326, 327, 431, and 432; and that part of Comal County tract 3102 included in blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 112, 113, 114, 115, 116, 117, 119, 120, 121, 122, 123, 124, 126, 127B, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 147, 199, and 324; and that part of Comal County tract 3103 included in block groups 3 and 4 and blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112A, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 213, 214, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 521, 522, 523, 599, 599Y, and 599Z; and that part of Comal County tract 3104.01 included in blocks 101, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 199, and 220D; and that part of Comal County tract 3104.02 included in block group 1 and blocks 202, 203, 204, 205, 209, 210, 211, 212, 213, 301, 303, 304A, 304B, 305, 306, 307, 308, 309, 310, 311, 312, 313A, 313B, 314, 409, 414, 415, 416A, 416B, and 417; and that part of Comal County tract 3105 included in block groups 3 and 4 and blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 112, 118, 119, 120, 121, 131, 132, 133, 134, 143, 199Z, 201, 202, 203, 204, 205, 206, 207, 208, 209, 213, 214, 215, 216, 217, and 221; and that part of Comal County tract 3106.01 included in blocks 189 and 190; and that part of Comal County tract 3107 included in blocks 330, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342A, 342B, 343, 344A, 344B, 345, 346, 347, 348, 349, 350, 351, and 352; and that part of Comal County tract 3108 included in block group 3 and blocks 101A, 101B, 102, 103, 104, 105, 106A, 106B, 106C, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116A, 116B, 117, 118, 119A, 119B, 120, 121, 122, 123, 124A, 124B, 124C, 124D, 124E, 125A, 125B, 126A, 126B, 127, 128, 129, 130, 131, 132, 133, 134A, 134B, 134C, 135, 136, 137, 138, 139, 140, 143, 199, 203,

206, 207, 209, 210, 211, 213A, 213B, 215A, 215B, 216A, 216B, 216C, 224, 231A, 232A, 233A, 233B, 234A, 234B, 235, 236A, 236B, 237A, 237B, 238, 239A, 239B, 239C, 240, 241, 242, 243, 244A, 244B, 244C, 245A, 245B, 246, 247, 248, 249A, 249B, 250A, 250B, 253, 254A, 254B, 255A, 255B, 256A, 256B, 257A, 257B, and 258; and that part of Comal County tract 3109 included in block group 3 and blocks 101, 102, 103, 104, 105, 106, 108, 110, 136, 137, 142, 143, 144, 145, 146, 147, 148, 149A, 149B, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165A, 165B, 166, 167A, 167B, 168, 169A, 169B, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180A, 180B, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277A, 277B, 277C, 277D, 277E, 278, 279A, 279B, 280, 281, 282, 283A, 283B, 284, 285, 286, 287, 288A, 288B, 289, 290, 291A, 291B, 292, 293, 294A, 294B, 295, 296, and 297; Guadalupe County tracts 2105.01, 2106.01, 2106.02, 2107.01, and 2107.03; and that part of Guadalupe County tract 2105.02 included in block groups 1 and 4 and blocks 201A, 201B, 201C, 202A, 202B, 203, 204, 205, 206, 207, 208, 209, 210A, 210B, 211A, 211B, 212, 213A, 213B, 213C, 213D, 214, 215A, 215B, 216A, 216B, 217A, 217B, 218A, 218B, 218C, 219, 220, 221, 222, 223, 224, 225, 226, 227A, 227B, 227C, 227D, 228, 229, 230A, 230B, 231, 232, 233, 234, 235A, 235B, 236, 237, 238, 239, 240, 241, 243, 299Y, 299Z, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318A, 318B, 319, 320, 321, 322, 323, 324A, 324B, 324C, 325A, 325B, 325C, 327A, 327B, 328A, 328B, 329, 330, 331, 332, 333, 334, and 335; and that part of Guadalupe County tract 2107.04 included in block groups 1, 2, 4, 5, 6, and blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315A, 315B, 315C, 315D, 316, 317, and 318; and that part of Guadalupe County tract 2108 included in block groups 6 and 7 and blocks 415, 416A, 416B, 419, 501A, 501B, 502A, 502B, 503, 504, 505, 506, 507A, 507B, 508A, 508B, 509A, 509B, 510A, 510B, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529A, 529B, 529C, 529D, 530, 531, 532, 533, 534A, 534B, 534C, 534D, 535A, 535B, 536A, 536B, 536C, 537A, 537B, 538, 539, 555, 556A, 556B, 557, 558A, 558B, 558C, 559, 560A, 560B, 561A, 561B, 562A, 562B, 563A, 563B, and 564.

(j) District 10 is composed of that part of Hays County tract 0101 included in blocks 137, 138, 142, 148, 237, 238, 239, 240, 241, 242, 243, 244, and 245; and that part of Hays County tract 0103.01 included in blocks 301, 302, 303, 304, 305, 306, 307, 402, 408, 409, 410, 411, 413, 503A, 503B, 504, 505, 506, 510B, 513, 514, 517A, 517B, 518, 519A, 519B, 519C, 520A, 520B, 521A, 521B, 522, 523, 525, 526A, 526B, 527, 528, 529, and 530; and that part of Hays County tract 0103.02 included in blocks 101, 102, 103, 104, 107, 109, 110, 111, 112, 113, 114, 201, 202A, 202B, 203A, 203B, 204, 205, 207, 208, 209, 210, 211, 212, 213, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228A, 228B, 229, 230, 231, 232, 233A, 233B, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, and 251; and that

part of Hays County tract 0104 included in block group 1 and blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 301, 302, 303, 304, 305, 306B, 307, 308, 309A, 309B, 316A, 316B, 317A, 317B, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330A, 330B, 331A, 331B, 332, 333, 334, 335, 336, 337A, 337B, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, and 399R; and that part of Hays County tract 0105 included in block group 2 and blocks 113, 114, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 313, 314, 408, 409A, 409B, 411, 412, 413A, 413B, 414, 415, 416A, 416B, and 417; and that part of Hays County tract 0106 included in blocks 332, 333, 334, 335, and 337.

(k) District 11 is composed of Caldwell County BNA 9605 and that part of Caldwell County BNA 9601 included in blocks 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 348, 349, 350, 354, 355, 356, 357, 358, 359, 360, 361, 362, 405A, 405B, 405C, 405D, 405E, 406, 407A, 407B, 408, 409, 410A, 410B, 410C, 410D, 410E, 411A, 411B, 412A, 412B, 412C, 412D, 413A, 413B, 413C, 414A, 414B, 415B, 416A, 416B, 416C, 417, 418A, 418B, 419A, 419B, 420, 421, 422A, 422B, 423, 424, 425, 426, 427, 428, 429, 430A, 430B, 431A, 431B, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441A, 441B, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, and 499; and that part of Caldwell County BNA 9602 included in blocks 209, 217, 218, 308, 309A, 309B, 309C, 310, 311, 312, 313, 314A, 314B, 314C, 314D, 315A, 315B, 316, 317, 318A, 318B, 319A, 319B, 319C, 320, 328, 329, 332, 333, and 334; and that part of Caldwell County BNA 9603 included in block groups 3 and 4 and blocks 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 217, and 218; and that part of Caldwell County BNA 9604 included in block group 3 and blocks 102, 103, 106, 107, 108, 109, 110, 119, 120, 121, 122, 123, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238A, 238B, 239, 240, 241, 242, 243, 244, and 245; and that part of Caldwell County BNA 9606 included in blocks 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 246, 288, 293, and 294; and that part of Caldwell County BNA 9607 included in block groups 4 and 5 and blocks 103, 104, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120A, 120B, 134, 137, 138, 139, 140, 141, 142A, 142B, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 204, 205, 206, 207, 208, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 258, 259, 260, 261, 262, 263, 264, 265, 266, 303, 304, 305, 306, 307, 308, 309, 310,

311, 312, 313A, 313B, 314, 315, 320, 321, 322, 323, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, and 347; Hays County tract 0102; and that part of Hays County tract 0101 included in blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 139, 140, 141, 143, 144, 145, 146, 147, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, and 236; and that part of Hays County tract 0103.01 included in block groups 1 and 2 and blocks 308, 309, 310, 311, 401, 403, 404, 405, 406, 407, 412, 414, 415, 416, 417, 418, 501A, 501B, 501C, 501D, 502A, 502B, 507A, 507B, 508A, 508B, 509A, 509B, 510A, 511, 512, 515, 516, and 524; and that part of Hays County tract 0103.02 included in blocks 105, 106, 108A, 108B, 206, 214A, 214B, 215, and 216; and that part of Hays County tract 0104 included in blocks 216, 217, 218, 219A, 219B, 220, 221A, 221B, 306A, 310A, 310B, 311, 312, 313, 314, and 315; and that part of Hays County tract 0105 included in blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 116, 134, 135, 136, 137, 312, 401, 402A, 402B, 403A, 403B, 404, 405, 406, 407, 410A, 410B, 418, 419A, 419B, 420A, 420B, 421, 422, and 423; and that part of Hays County tract 0106 included in block groups 1 and 2 and blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 336, 401A, 401B, 401C, 401D, 401E, 401F, 402, 403, 404, 405, 406, 407, 408, 411, 412, 413, 414, 415, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435A, 435B, 436, 437, 438, 439A, 439B, 440, 441, 442A, 442B, 442C, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, and 477; and that part of Hays County tract 0107 included in block groups 1, 3, 4, and blocks 201, 202, 203, 204, 205, 206, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255A, 255B, 256, 257, 258, 259, 260, 261, 262A, 262B, 262C, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293A, 293B, 294, 295, and 296; and that part of Hays County tract 0108.02 included in blocks 130, 137, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 501, 502, 524, 525, 532, 533, 534, 655, 656, 657, 663, 664, 673, 674, 675, and 676; and that part of Hays County tract 0109.02 included in blocks 123, 126, 127, 132B, 312, 313A, 313B, and 399; and that part of Hays County tract 0109.04 included in block groups 2, 4, 5, and blocks 101, 102A, 102B, 102C, 102D, 112, 113A, 113B, 113C, 114A, 114B, 114C, 115A, 115B, 301A, 301B, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 317, 318A, 318B, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333A, 333B, 334, 335, 336, 337, 338, 339, 340, 341, and 342.

(l) District 12 is composed of Medina County BNA 9902 and that part of Medina County BNA 9903 included in blocks 201A, 201B, 201C, 202, 203,

204A, 204B, 204C, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223A, 223B, 223C, 224, 225A, 225B, 226A, 226B, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242A, 243, 244, 245, 247, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 358, 359A, 362A, 362B, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 401, 402A, 402B, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, and 435; and that part of Medina County BNA 9905 included in blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153A, 153B, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173A, 173B, 174, 175, 176, 177, 178, 181A, 181B, 182, 201, 202, 203, 215, 222, 223, 224, 225, 235, 301, 302, 303, 307, 308, 315, 338, 350, 351, 353, 362, 430, 431, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 461, 462, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, and 499; and that part of Medina County BNA 9906 included in blocks 152, 153, 154, 155, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 226, 227, 228, 229, 230, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, and 274; and that part of Medina County BNA 9907 included in blocks 101, 111, 112, 113, 114, 115, 116, 117, 118, 133, 134, 135, 136, 137, 138, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 165, 211A, 212, 213, 214, 215, 219A, 219B, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 340A, 340B, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358A, 358B, 359, 360A, 360B, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371A, 371B, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, and 413A.

(m) District 13 is composed of that part of Atascosa County BNA 9602 included in blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146A, 146B, 147A, 147B, 207, 208, 209, 210, 211, 501A, 501B, 502, 503, 504, 505A, 505B, 506, 507A, 507B, 508A, 508B, 509, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528,

529, 530, 531A, 531B, 532A, 532B, 533, 534A, 534B, 535, and 536; Medina County BNAs 9901 and 9904; and that part of Medina County BNA 9903 included in block group 1 and blocks 242B, 242C, 246A, 246B, 246C, 246D, 248, 249, 250, 251, 357A, 357B, 359B, 360, 361, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 436A, 436B, and 437; and that part of Medina County BNA 9905 included in blocks 179, 180, 183A, 183B, 184A, 184B, 185, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 226, 227, 228, 229, 230, 231, 232, 233, 234, 236, 237, 238, 239, 240, 241, 242, 243, 244, 304, 305, 306, 309, 310, 311, 312, 313, 314, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 352, 354, 355, 356, 357, 358, 359, 360A, 360B, 361, 363, 364, 365, 366, 367, 368, 369A, 369B, 370, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 432, 433, 434, 435, 436, 458, 459, 460, 463, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, and 497; and that part of Medina County BNA 9906 included in blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 156, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 231, 232, 233, 275, 276, 277, 278, 279, 280, and 281; and that part of Medina County BNA 9907 included in blocks 102, 103, 104, 105, 106, 107A, 107B, 107C, 108, 109, 110, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 139, 140, 141, 142, 143, 144, 145, 146, 157, 158, 159, 160, 161, 162, 163, 164, 166, 167, 201, 202, 203, 204, 205, 206A, 206B, 207, 208, 209, 210, 211B, 216, 217A, 217B, 218, 232A, 232B, 233, 234, 235, 236, 237, 238, 301, 302A, 302B, 303, 304, 305, 306, 307, 308, 309A, 309B, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 333, 334, 335, 336, 337, 338, 339, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413B, 414, 415, 416, 417, 418, 419, 420A, 420B, 420C, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, and 448.

(n) District 14 is composed of that part of Uvalde County BNA 9502 included in block groups 3 and 4 and blocks 102, 103, 106, 117, 140, 142, 201, 202, 203, 204, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216A, 216B, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239A, 239B, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 278, 279, 280, 281, 282, 283, 284, 285, 286, 288, 296, 297, 299, 299R, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, and 541; and that part of Uvalde County BNA 9503 included in block groups 2, 3, 4, 5, 6, and blocks 101B, 101C, 102, 103, 104, 105, 106, 107, 108, 109A, 109B, 110, 111, 112, 113, 114, 115, 116A, 116B, 116C, 117A, 117B, 118, 119, 120, 121, 122, 123, 124, 126, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153,

154, 155, 156, 164A, 164B, 165, 166, 167, 168, 169, 170, 171, 172, 173, and 174; and that part of Uvalde County BNA 9504 included in block group 4 and blocks 314, 316, and 319; and that part of Uvalde County BNA 9505 included in block groups 2 and 3 and blocks 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126A, 126B, 126C, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139A, 139B, 140, 141, 142A, 142B, 143A, 143B, 144, 145, 146, 147, 148, 149A, 149B, 150, 151, and 152.

(o) District 15 is composed of Uvalde County BNA 9501 and that part of Uvalde County BNA 9502 included in block group 6 and blocks 101, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 141, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195A, 195B, 196A, 196B, 197, 205, 275, 276, 277, 287, 289, 290, 291, 292, 293, 294, 295, 501, 502, 503, 504, 505, 506, 507A, 507B, 508, 509A, 509B, 509C, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, and 597; and that part of Uvalde County BNA 9503 included in blocks 101A, 101D, 125, 127, 128, 129, 130, 131, 132, 157A, 157B, 158, 159, 160, 161, 162, 163, 175A, and 175B; and that part of Uvalde County BNA 9504 included in block groups 1 and 2 and blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 315, 317, 318, 320, 321, 322, 323, 324, 325, 326, 327, and 328; and that part of Uvalde County BNA 9505 included in blocks 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109, 110A, 110B, 110C, 111, and 112.

(p) In this section, the terms "tract," "block," "block group," and "BNA" (block numbering area) mean the geographic areas identified by those terms in the Redistricting Map Data Base for the State of Texas prepared by the Texas Legislative Council and distributed by the council to the State Data Center, Texas Department of Commerce, on March 22, 1991, for public distribution by the State Data Center.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business:

Price on motion of Counts.

**CSHB 3189 - (consideration continued)**

Representative R. Lewis moved to table Amendment No. 1.

A record vote was requested.

The motion to table was lost by (Record 350): 63 Yeas, 75 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Black; Bosse; Brady; Brimer; Carter; Chisum; Combs; Cook; Counts; Craddick; Delisi; Driver; Finnell; Gallego; Glaze; Goodman; Goolsby; Grusendorf; Gutierrez; Haggerty; Harris; Hawley; Hilderbran; Hill; Holzheuser; Horn; Hunter, B.; Hunter, T.; Jackson; Johnson; Jones, D.; Junell; Kamel; King; Kuempel; Lewis, R.; Madden; Marchant; McCoulskey; Mowery; Oakley; Patterson; Pickett; Place; Puente; Rangel; Raymond; Rhodes; Rusling; Saunders; Seidlits; Solomons; Staples; Swinford; Turner, B.; Uher; Walker; West; Yost; Zbranek.

Nays — Alonzo; Alvarado; Bailey; Berlanga; Carona; Clemons; Coleman; Conley; Corte; Crabb; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Denny; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Giddings; Gray; Greenberg; Hamric; Hartnett; Heflin; Hernandez; Hightower; Hilbert; Hirschi; Hudson; Janek; Jones, J.; Krusee; Kubiak; Lewis, G.; Longoria; Luna; Maxey; McDonald; Moreno; Munoz; Naishtat; Nixon; Ogden; Oliveira; Park; Pitts; Ramsay; Reyna; Rodriguez; Romo; Serna; Shields; Siebert; Solis; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Dear; Hochberg; Sadler; Williamson.

Absent — Howard; McCall; Moffat; Rabuck; Smithee.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 350. I intended to vote no.

Gutierrez

Amendment No. 1 was adopted without objection.

**CSHB 3189**, as amended, was passed to engrossment. (Conley and Corte recorded voting no)

**MESSAGE FROM THE SENATE**

Austin, Texas, May 9, 1995

The Honorable Speaker of the House of Representatives  
House Chamber

The Honorable  
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

**HCR 188** by Jackson (Sponsor-Brown), rejecting NASA contentions regarding the Johnson Space Center and memorializing congress to countermand the NASA proposal to consolidate and downsize the operations of the center.

**HCR 198** by Junell (Sponsor-Wentworth, et al.), in memory of Dr. Lloyd D. Vincent.

**HCR 199** by Junell (Sponsor-Shapiro), instructing the enrolling clerk of the house to correct spelling errors in H.B. No. 383.

**SB 317** by Armbrister, relating to the authority of a municipality to implement a photographic traffic-control system; providing for imposition of civil penalties.

**SB 411** by Montford, relating to the protection of a public employee who reports a violation of law.

**SB 1514** by Cain, relating to the inclusion of the services of licensed psychological associates in health insurance coverage.

**SB 1525** by Rosson, relating to the acquisition by the Parks and Wildlife Department of real property owned by the permanent school fund.

**SB 1663** by Rosson, relating to the creation, administration, powers, duties, function, operation, and financing of the Paseo del Este Municipal Utility District; providing for the authorization of bonds and the levy of taxes; providing civil penalties.

**SB 1693** by Armbrister, relating to authorizing the division of the Gonzales County Underground Water Conservation District into precincts, authorizing the board to make expenditures, and validating certain actions.

Respectfully,  
Betty King  
Secretary of the Senate

### **SJR 51 ON SECOND READING (Patterson - House Sponsor)**

The speaker laid before the house, in lieu of **HJR 92**, on its second reading and passage to third reading, the complete committee substitute for **SJR 51**.

**CSSJR 51**, A joint resolution proposing a constitutional amendment consolidating general obligation bonding authority for certain agricultural funds.

(Speaker pro tempore in the chair)

**CSSJR 51** was read second time.

#### **Amendment No. 1**

Representative Kubiak offered the following amendment to the resolution:

Amend **CSSJR 51** in Section 1 by striking "\$200 million" and substituting "\$100 million".

Amendment No. 1 was withdrawn.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on SB 1:

Hernandez on motion of Chisum.

**CSSJR 51 - (consideration continued)**

A record vote was requested.

**CSSJR 51**, as amended, was adopted by (Record 351): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker.

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Sadler; Williamson.

Absent — Brimer; Coleman; Haggerty.

**HJR 92 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Patterson moved to lay **HJR 92** on the table subject to call.

The motion prevailed without objection.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Rodriguez moved to suspend all necessary rules to allow the Committee on Local and Consent Calendars to meet while the house is in session.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Local and Consent Calendars, at this time, speakers committee room.

**HB 1905 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1905**, A bill to be entitled An Act relating to enforcement of a motor vehicle warrant.

The bill was read third time and was passed.

### **HB 2022 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2022**, A bill to be entitled An Act relating to the construction of laboratory and office facilities for the Texas Department of Health; granting authority to issue a bond.

A record vote was requested.

The bill was read third time and was passed by (Record 352): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker.

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Sadler; Williamson.

Absent — Clemons.

### **HB 2451 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2451**, A bill to be entitled An Act relating to the regulation of alcoholic beverages and imposing a limit on the number of package store permits which may be issued in a county.

The bill was read third time and was passed.

### **HB 2187 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2187**, A bill to be entitled An Act relating to coordination between The University of Texas at Tyler and other institutions of higher education.

A record vote was requested.

The bill was read third time and was passed by (Record 353): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberston; Danburg; Davis; De La Garza; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker.

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Sadler; Williamson.

Absent — Clemons; Gutierrez.

### HB 2960 ON THIRD READING

The chair laid before the house, on its third reading and final passage,

**HB 2960**, A bill to be entitled An Act relating to the liquidation of insolvent insurers, the Commissioner of Insurance in his statutory capacity as Receiver, and the insurance guaranty associations.

The bill was read third time.

#### Amendment No. 1

Representative Counts offered the following amendment to the bill:

Amend **HB 2960** on 3rd reading as follows:

1) Add a new Section, appropriately numbered to read as follows:

Section \_\_\_\_ Article 21.54, Section 11.(b) is amended to read as follows:

(b) No claim against a purchasing group or its members shall be entitled to payment from any insurance insolvency guaranty fund or similar mechanism in this state, nor shall a purchasing group or its members or claimants against the group or its members receive any benefit from such fund for claims arising under the insurance policies procured through the purchasing group unless the policies are underwritten by insurance companies that are licensed in this state and have capital and surplus of at least \$25 million, or insurance companies

that are licensed in this state that are members of company groups with combined capital and surplus of at least \$25 million, at the time of policy issuance.

2) renumber subsequent sections appropriately.

Amendment No. 1 was adopted without objection.

### **Amendment No. 2**

Representative Counts offered the following amendment to the bill:

Amend **HB 2960** on third reading by striking the last two SECTIONS of the bill and substituting the following appropriately numbered SECTIONS:

SECTION \_\_\_\_\_. This Act applies only to a liquidation or receivership of an impaired insurer that is begun on or after the effective date of this Act.

SECTION \_\_\_\_\_. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 2 was adopted without objection.

A record vote was requested.

**HB 2926**, as amended, was passed by (Record 354): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker.

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Sadler; Williamson.

Absent — Clemons; Hudson; Lewis, R.; Raymond.

**HB 2510 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2510**, A bill to be entitled An Act relating to regulation of certain irrigators and irrigation system installers.

The bill was read third time and was passed. (Kubiak recorded voting no)

**HB 2603 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2603**, A bill to be entitled An Act relating to the liability of certain volunteer fire departments.

A record vote was requested.

The bill was read third time and was passed by (Record 355): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker.

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Sadler; Williamson.

Absent — Clemons; Conley; Edwards; Ehrhardt; Hudson; Lewis, R.; Puente.

**HB 1706 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1706**, A bill to be entitled An Act relating to the creation and operation of industrial development corporations by certain cities.

A record vote was requested.

The bill was read third time and was passed by (Record 356): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Berlanga; Black; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbraneck.

Present, not voting — Mr. Speaker; Bailey.

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Sadler; Williamson.

Absent — Bosse; Gallego; Hudson; Lewis, R.; Tillery.

### **HB 1358 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1358**, A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of open-space land used for wildlife management.

The bill was read third time and was passed.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today to attend a meeting of the Legislative Budget Board:

Ogden on motion of Gallego.

### **HB 1620 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1620**, A bill to be entitled An Act relating to licensing fees of veterinarians.

The bill was read third time and was passed.

### **HB 2247 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2247**, A bill to be entitled An Act relating to the transfer of the University of Central Texas to The Texas A&M University System.

A record vote was requested.

The bill was read third time and was passed by (Record 357): 114 Yeas, 26 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Clemons; Coleman; Combs; Conley; Counts; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Delisi; Driver; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hawley; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Hudson; Hunter, B.; Hunter, T.; Jackson; Johnson; Jones, D.; Jones, J.; Junell; Kamel; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Maxey; McCall; McCoulskey; McDonald; Moreno; Munoz; Naishtat; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Ramsay; Rangel; Raymond; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithe; Solis; Solomons; Staples; Stiles; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Willis; Wilson; Wolens; Yarbrough; Yost; Zbranek.

Nays — Averitt; Chisum; Cook; Corte; Crabb; Denny; Elkins; Finnell; Harris; Hartnett; Heflin; Horn; Howard; Janek; King; Madden; Moffat; Mowery; Nixon; Rabuck; Reyna; Swinford; Talton; Uher(C); Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker.

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Ogen; Sadler; Williamson.

Absent — Dukes.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 357. I intended to vote yes.

Averitt

I was shown voting no on Record No. 357. I intended to vote yes.

Janek

### HB 2771 ON THIRD READING

The chair laid before the house, on its third reading and final passage,

**HB 2771**, A bill to be entitled An Act relating to pyramid promotional schemes; providing penalties.

The bill was read third time and was passed.

### HB 2845 ON THIRD READING

The chair laid before the house, on its third reading and final passage,

**HB 2845**, A bill to be entitled An Act relating to the powers, functions, authority, and duties of the Automobile Theft Prevention Authority.

A record vote was requested.

The bill was read third time and was passed by (Record 358): 136 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nay — Cook.

Present, not voting — Mr. Speaker.

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Ogden; Sadler; Williamson.

Absent — Delisi; Gray; Lewis, R.; Reyna.

#### STATEMENT OF VOTE

When Record No. 358 was taken, I was in the house but away from my desk. I would have voted yes.

Delisi

#### HB 3101 ON THIRD READING

The chair laid before the house, on its third reading and final passage,

**HB 3101**, A bill to be entitled An Act relating to application of usury laws to certain purchases of accounts receivable.

A record vote was requested.

The bill was read third time and was passed by (Record 359): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Davis; De La Garza; Delisi; Denny; Driver; Duncan; Dutton; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett;

Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker.

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Ogden; Sadler; Williamson.

Absent — Danburg; Dukes; Edwards; Gray; McCoulskey; Place.

### HB 387 ON THIRD READING

The chair laid before the house, on its third reading and final passage,

**HB 387**, A bill to be entitled An Act relating to the jurisdiction of certain justice courts.

A record vote was requested.

The bill was read third time and was passed by (Record 360): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker.

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Ogden; Sadler; Williamson.

Absent — Kamel; Marchant; McCoulskey; Pitts.

### STATEMENTS OF VOTE

When Record No. 360 was taken, I was in the house but away from my desk. I would have voted yes.

Kamel

### HB 1065 ON THIRD READING

The chair laid before the house, on its third reading and final passage,

**HB 1065**, A bill to be entitled An Act relating to the practice of property tax consulting.

The bill was read third time.

#### Amendment No. 1

Representative Staples offered the following amendment to the bill:

Amend **HB 1065** (2nd Reading Engrossment) on third reading on page 2, lines 23 and 24 (Engrossed Rider No. 1), by striking "and who provides a property tax consultant service related to a single-family residence".

Representative Haggerty moved to table Amendment No. 1.

The motion to table was lost.

Amendment No. 1 was adopted.

### LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today to attend a meeting of the conference committee on HB 1:

Delisi on motion of Black.

Coleman on motion of Black.

Gallego on motion of Black.

### HB 1065 - (consideration continued)

**HB 1065**, as amended, was passed.

### HB 43 ON THIRD READING

The chair laid before the house, on its third reading and final passage,

**HB 43**, A bill to be entitled An Act relating to civil liability for stalking.

A record vote was requested.

The bill was read third time and was passed by (Record 361): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Corte; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Giddings; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker.

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Coleman; Dear; Delisi; Gallego; Hernandez; Hochberg; Ogden; Sadler; Williamson.

Absent — Counts; Glaze.

### **HB 127 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 127**, A bill to be entitled An Act relating to implementation of the National Voter Registration Act of 1993 and to related election processes and procedures; providing criminal penalties.

The bill was read third time and was passed. (Culberson recorded voting no)

### **HB 2239 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2239**, A bill to be entitled An Act relating to certain early voting processes and procedures; providing criminal penalties.

The bill was read third time and was passed.

### **HB 2241 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2241**, A bill to be entitled An Act relating to certain election processes and procedures.

The bill was read third time and was passed. (Finnell recorded voting no)

**HB 2243 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2243**, A bill to be entitled An Act relating to election precincts and polling places; providing a criminal penalty.

The bill was read third time.

**Amendment No. 1**

Representative Madden offered the following amendment to the bill:

Amend **HB 2243** on third reading in Section 2 of the bill, in Section 61.001, Election Code, by adding a new Subsection (c) as follows and relettering Subsection (c) as Subsection (d):

(c) It is an exception to the application of Subsection (b) that the candidate:

(1) is not within plain view or hearing of the persons in the voting area or the area in which voters are being accepted for voting; and

(2) is not engaged in campaign activity.

Amendment No. 1 was adopted without objection.

**HB 2243**, as amended, was passed.

**HB 1859 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1859**, A bill to be entitled An Act relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.

The bill was read third time and was passed.

**HB 2588 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2588**, A bill to be entitled An Act relating to the establishment of rural and urban transit districts; re-establishing the public transportation fund.

The bill was read third time and was passed. (Brady recorded present, not voting)

**HB 1359 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1359**, A bill to be entitled An Act relating to road construction, repair, and maintenance in certain areas controlled by the Parks and Wildlife Department.

The bill was read third time and was passed.

**HB 1384 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1384**, A bill to be entitled An Act relating to the purchase and sale of certain fish taken from fresh water in certain counties.

The bill was read third time and was passed.

**HB 1823 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1823**, A bill to be entitled An Act relating to regulation by the Parks and Wildlife Department of the taking of marl, sand, gravel, shell, or mudshell; providing penalties.

The bill was read third time and was passed. (Finnell recorded present, not voting)

**HB 1964 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1964**, A bill to be entitled An Act relating to the issuance of permits by the Parks and Wildlife Department for the conservation, protection, and management of certain wildlife resources; providing penalties.

The bill was read third time and was passed.

**HB 359 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 359**, A bill to be entitled An Act relating to breast-feeding in public or private places, including worksites, and to a sales tax exemption for breast pumps.

The bill was read third time.

**Amendment No. 1**

Representative Danburg offered the following amendment to the bill:

Amend **CSHB 359** on 3rd reading in SECTION 1 of the bill by adding a new Section 165.003, Health and Safety Code, to read as follows:

Sec. 165.003. BUSINESS DESIGNATION AS "MOTHER-FRIENDLY."

(a) A business may use the designation "mother-friendly" in its promotional materials if the business develops a policy supporting the practice of worksite breast-feeding that addresses the following:

(1) work schedule flexibility, including scheduling breaks and work patterns to provide time for expression of milk;

(2) the provision of accessible locations allowing privacy;

(3) access nearby to a clean, safe water source and a sink for washing hands and rinsing out any needed breast-pumping equipment; and

(4) access to hygienic storage alternatives in the workplace for the mother's breast milk.

(b) The business shall submit its breast-feeding policy to the department. The department shall maintain a list of "mother-friendly" businesses covered under this section and shall make the list available for public inspection.

Amendment No. 1 was adopted without objection.

**HB 359**, as amended, was passed. (Corte recorded voting no)

**HB 505 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 505**, A bill to be entitled An Act relating to certain acts of public accountants.

The bill was read third time and was passed. (Place recorded voting yes)

**HB 1194 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1194**, A bill to be entitled An Act relating to the establishment, certification, organization, and regulation of dental provider organizations and dental provider plans.

The bill was read third time and was passed.

**HB 11 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 11**, A bill to be entitled An Act relating to participation by victims in certain criminal proceedings, restitution for victims, and training for officers who deal with victims; providing a penalty.

The bill was read third time.

**Amendment No. 1**

Representative Talton offered the following amendment to the bill:

Amend **CSHB 11** on 3rd reading, in ARTICLE 1 of the bill, by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION 1.\_\_\_\_. Chapter 36, Code of Criminal Procedure, is amended by adding Article 36.03 to read as follows:

Art. 36.03. INVOCATION OF RULE FOR NONTESTIFYING PERSONS.

(a) A court at the request of a party may order the exclusion of a nontestifying victim, nontestifying close relative of a deceased victim, or nontestifying guardian of a victim only if:

(1) not later than the 10th day before the trial commences the requesting party provides the opposing party with notice of intention to request exclusion of the person; and

(2) the court allows the opposing party to contest the exclusion in open court.

(b) The provisions of Subsection (a) do not limit the authority of the court on its own motion to exclude a person, regardless of whether notice was provided to parties or parties were provided with an opportunity to contest the exclusion.

(c) In this article, "close relative of a deceased victim," "guardian of a victim," and "victim" have the meanings assigned by Article 56.01.

Amendment No. 1 was adopted without objection.

**HB 11**, as amended, was passed.

**HB 1289 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1289**, A bill to be entitled An Act relating to a reporting requirement applicable to certain financial institutions.

The bill was read third time and was passed. (Gutierrez and Swinford recorded voting no)

**HB 561 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 561**, A bill to be entitled An Act relating to the disclosure of ownership and management of certain rental property.

The bill was read third time and was passed.

**HB 1425 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1425**, A bill to be entitled An Act relating to business organizations.

The bill was read third time and was passed.

**HB 1487 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1487**, A bill to be entitled An Act relating to the investigation, prosecution, and punishment of the offense of insurance fraud.

The bill was read third time and was passed. (Corte recorded voting no)

**HB 1728 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1728**, A bill to be entitled An Act relating to negotiable instruments and bank deposits and collections, including a revision of Chapter 3 of the Uniform Commercial Code.

The bill was read third time.

**Amendment No. 1**

Representative Brady offered the following amendment to the bill:

Amend **HB 1728** on Third Reading as follows:

Amend page 159, Section 9, by striking subsection (a) in its entirety and adding the following:

(a) This Act does not affect an action or proceeding that is commenced or a right that accrues before the effective date.

Amendment No. 1 was adopted without objection.

**HB 1728**, as amended, was passed.

**HB 1510 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1510**, A bill to be entitled An Act relating to the fee for the university center at Texas Tech University.

The bill was read third time and was passed. (Corte recorded voting no)

### **HB 1547 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1547**, A bill to be entitled An Act relating to the vehicle weight tolerance allowance under a vehicle weight permit.

The bill was read third time and was passed.

### **HB 1604 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1604**, A bill to be entitled An Act relating to the regulation of emergency medical services providers and of training programs for those providers.

The bill was read third time.

### **Amendment No. 1**

Representative Kubiak offered the following amendment to the bill:

Amend **HB 1604** on third reading, second reading engrossment printing, as follows:

(1) In SECTION 7 of the bill, in Section 773.050(c), Health and Safety Code (second reading engrossment printing page 4, lines 13-14), strike "Each out of state application for certification must be accompanied by a nonrefundable fee of \$100."

(2) In SECTION 7 of the bill, in Section 773.050(c), Health and Safety Code (second reading engrossment printing page 4, lines 16-18), strike "Each out-of-country application fee for certification must be accompanied by a nonrefundable fee of \$150."

(3) In SECTION 9 of the bill, in Section 773.054, Health and Safety Code (second reading engrossment printing page 5, lines 18-24, strike Subsection (d).

(4) In SECTION 11 of the bill, in Section 773.056(b), Health and Safety Code (second reading engrossment printing page 6, lines 18-19), strike "The department shall charge a fee of \$5 to replace a lost or stolen certificate."

(5) In SECTION 12 of the bill, in Section 773.057(b), Health and Safety Code (second reading engrossment printing page 6, line 23), strike "\$150[."

(6) In SECTION 12 of the bill, in Section 773.057(b), Health and Safety Code (second reading engrossment printing page 6, line 24), strike "[(+) \$100]" and substitute "(1) \$100".

(7) In SECTION 14 of the bill, in Section 773.0572, Health and Safety Code (second reading engrossment printing page 8, lines 9-10), strike "A nonrefundable fee of \$25 must accompany each application for a provisional license."

(8) In SECTION 15 of the bill, in Section 773.0611(c), Health and Safety Code (second reading engrossment printing page 8, lines 16-19), strike "an emergency medical service provider shall pay to the department a nonrefundable

fee of \$25 if reinspection is necessary to determine compliance with this chapter and the rules adopted under this chapter."

Amendment No. 1 was withdrawn.

**HB 1604** was passed. (Corte recorded voting no)

**HB 2496 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2496**, A bill to be entitled An Act relating to funding of mass transportation projects.

The bill was read third time and was passed.

**HB 2658 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2658**, A bill to be entitled An Act relating to the name, function, and duties of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons.

The bill was read third time and was passed.

**HB 2660 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2660**, A bill to be entitled An Act relating to area agencies on aging and the coordination of their planning and services within their health and human services regions.

The bill was read third time and was passed.

**HB 3111 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 3111**, A bill to be entitled An Act relating to the delivery of health care by certain nonprofit health corporations.

The bill was read third time and was passed.

**HB 1798 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1798**, A bill to be entitled An Act relating to the creation of a panel with authority to approve the release of the state's interest in land in certain circumstances.

The bill was read third time and was passed.

**HB 2812 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2812**, A bill to be entitled An Act relating to student fees to support intercollegiate athletics at a public institution of higher education.

The bill was read third time and was passed.

**HB 2944 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2944**, A bill to be entitled An Act relating to municipal solid waste disposal fees.

The bill was read third time and was passed.

**HB 2945 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2945**, A bill to be entitled An Act relating to the state's source reduction and recycling goal.

A record vote was requested.

The bill was read third time and was passed by (Record 362): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Clemons; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Finnell; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlge-muth; Wolens; Woolley; Yost; Zbrane-k.

Present, not voting — Mr. Speaker.

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Coleman; Dear; Delisi; Gallego; Hernandez; Hochberg; Ogden; Sadler; Williamson.

Absent — Chisum; Farrar; Swinford; Yarbrough.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 362. I intended to vote no.

Crabb

**HB 170 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 170**, A bill to be entitled An Act relating to the requirement that certain child support payments be forwarded by electronic funds transfer.

The bill was read third time and was passed.

**HB 158 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 158**, A bill to be entitled An Act relating to authorizing the provision of state financial assistance to the Civil Air Patrol, Texas Wing, to support the wing's disaster-related activities.

The bill was read third time and was passed.

**HB 391 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 391**, A bill to be entitled An Act relating to the availability of motor vehicle accident reports.

The bill was read third time and was passed.

**HB 1074 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1074**, A bill to be entitled An Act relating to the presumption for theft by check after the issuance of a stop payment order.

The bill was read third time and was passed.

**SB 1633 ON THIRD READING**  
**(Berlanga - House Sponsor)**

The chair laid before the house, on its third reading and final passage,

**SB 1633**, A bill to be entitled An Act relating to requiring the approval of the Texas Transportation Commission before a political subdivision or private entity may construct or finance the construction of a bridge across the Rio Grande.

A record vote was requested.

The bill was read third time and was passed by (Record 363): 126 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Denny; Driver; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moreno; Mowery; Munoz; Naishtat; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Smithee; Solis; Solomons; Staples;

Stiles; Swinford; Talton; Telford; Thompson; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Willis; Wilson; Wolens; Woolley; Yost; Zbranek.

Present, not voting — Mr. Speaker; Nixon; Uher(C).

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Coleman; Dear; Delisi; Gallego; Hernandez; Hochberg; Ogden; Sadler; Williamson.

Absent — Alonzo; Averitt; Duncan; Howard; Moffat; Rabuck; Siebert; Tillery; Wohlgenuth; Yarbrough.

### STATEMENT OF VOTE

When Record No. 363 was taken, I was in the house but away from my desk. I would have voted yes.

Rabuck

### SB 626 ON THIRD READING (Yost - House Sponsor)

The chair laid before the house, on its third reading and final passage,

**SB 626**, A bill to be entitled An Act relating to certain laws governing water districts and nonprofit water or sewer service corporations; creating penalties; granting authority to issue bonds; granting the power of eminent domain.

The bill was read third time.

#### Amendment No. 1

Representative McCall offered the following amendment to the bill:

Amend **SB 626** on third reading as follows:

(1) In Section 2 of the bill, Section 49.001(a)(1), after the word "law" insert "or any conservation and reclamation district created pursuant to Chapter 62, Acts of the 52nd Legislature, 1951 (Article 8280-141, Vernon's Texas Civil Statutes)".

Amendment No. 1 was adopted without objection.

**SB 626**, as amended, was passed.

### SB 1190 ON THIRD READING (Maxey - House Sponsor)

The chair laid before the house, on its third reading and final passage,

**SB 1190**, A bill to be entitled An Act relating to the duty of nonprofit, tax-exempt hospitals to provide charity care.

The bill was read third time.

#### Amendment No. 1

Representative Howard offered the following amendment to the bill:

Amend **SB 1190** as follows:

On page 1, line 17 through 20 between "organizations" and the period delete ", or an elementary or secondary school in which at least 50 percent or more of the students qualify under the federal program for free or reduced-price school lunches or meet an equivalent economic index"

On page 2, line 6 through 9 between "organizations" and the period, delete ", or an elementary or secondary school in which at least 50 percent or more of the students qualify under the federal program for free or reduced-price school lunches or meet an equivalent economic index".

Amendment No. 1 was adopted without objection.

**SB 1190**, as amended, was passed. (Horn, Rabuck, and Reyna recorded voting no)

**SB 1617 ON THIRD READING**  
**(Brady - House Sponsor)**

The chair laid before the house, on its third reading and final passage,

**SB 1617**, A bill to be entitled An Act relating to the Texas Real Estate Investment Trust Act.

The bill was read third time.

**Amendment No. 1**

Representatives Brady and Pitts offered the following amendment to the bill:

Amend **SB 1617** on third reading by striking the language added by second reading amendment no. 1 (by Pitts).

Amendment No. 1 was adopted without objection.

**SB 1617**, as amended, was passed.

**SB 870 ON THIRD READING**  
**(Giddings - House Sponsor)**

The chair laid before the house, on its third reading and final passage,

**SB 870**, A bill to be entitled An Act relating to the authority of the consumer credit commissioner and to the regulation of certain consumer credit practices; providing penalties.

The bill was read third time and was passed.

(Speaker in the chair)

**HB 2370 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 2370**, A bill to be entitled An Act relating to revival of a dormant judgment.

The bill was read second time.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Junell, Representative T. Hunter offered the following committee amendment to the bill:

Page one, Line ten

Delete "fourth" and substitute in lieu thereof: "second".

Amendment No. 1 was adopted without objection.

**HB 2370**, as amended, was passed to engrossment.

**HB 2337 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2337**.

**CSHB 2337**, A bill to be entitled An Act relating to the eligibility for unemployment compensation benefits of certain employees of educational institutions.

**CSHB 2337** was read second time and was passed to engrossment.

**HB 2382 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2382**.

**CSHB 2382**, A bill to be entitled An Act relating to the training of food service workers.

**CSHB 2382** was read second time and was passed to engrossment.

**HB 2383 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2383**.

**CSHB 2383**, A bill to be entitled An Act relating to the regulation of retail food stores, food service establishments, mobile food units, and roadside food vendors.

**CSHB 2383** was read second time and was passed to engrossment.

**HB 2517 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 2517**, A bill to be entitled An Act relating to contractual indemnification provisions in motor carrier contracts.

The bill was read second time and was passed to engrossment.

**HB 1418 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 1418**, A bill to be entitled An Act relating to liability insurance requirements for certain child care facilities.

The bill was read second time and was passed to engrossment.

### **HB 2476 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2476**.

**CSHB 2476**, A bill to be entitled An Act relating to the regulation of water well drillers and water well pump installers.

**CSHB 2476** was read second time.

Representative Walker moved to lay **CSHB 2476** on the table subject to call.

The motion prevailed without objection.

### **HB 2569 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2569**.

**CSHB 2569**, A bill to be entitled An Act relating to hearings on the removal of a child from the child's home during an investigation of child abuse.

**CSHB 2569** was read second time.

#### **Amendment No. 1**

Representative Howard offered the following amendment to **CSHB 2569**:

Amend **CSHB 2569** on page 1, line 14, between "department" and "is", by inserting ", parent, or other interested party".

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Brady offered the following amendment to **CSHB 2569**:

Amend **CSHB 2569** by adding the following appropriately numbered sections and renumbering the remaining sections of the bill accordingly:

SECTION \_\_\_\_\_. Section 261.301, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding any other provision of this chapter, an investigation of an allegation of child abuse shall be conducted jointly by an investigator from the department and the appropriate local law enforcement agency.

SECTION \_\_\_\_\_. Subchapter D, Chapter 261, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Sections 261.312 and 261.313 to read as follows:

Sec. 261.312. INVESTIGATION TRAINING. (a) The Commission on Law Enforcement Officer Standards and Education shall provide training in the investigation of child abuse and neglect.

(b) Each law enforcement agency in the state that has responsibility for investigating allegations of child abuse or neglect shall require that an adequate number of law enforcement officers in the agency receive training provided under this section.

Sec. 261.313. REVIEW TEAMS; OFFENSE. (a) The department shall establish review teams to evaluate department casework and decision-making related to investigations by the department of child abuse or neglect. The department may create one or more review teams for each region of the department for child protective services. A review team is a citizen review panel or a similar entity for the purposes of federal law relating to a state's child protection standards.

(b) A review team consists of five members who serve staggered two-year terms. Review team members are appointed by the director of the department and consist of community representatives and private citizens who live in the region for which the team is established. Each member must be a parent who has not been convicted of or indicted for an offense involving child abuse or neglect, has not been determined by the department to have engaged in child abuse or neglect, or is not under investigation by the department for child abuse or neglect.

(c) A review team conducting a review of an investigation shall conduct the review by examining the facts of the case as outlined by the department caseworker and law enforcement personnel. The names of individuals involved in the investigation are confidential.

(d) A review team shall report to the department the results of the team's review of an investigation. The review team's report may not include confidential information. The findings contained in a review team's report are subject to disclosure under Chapter 552, Government Code.

(e) A member of a review team commits an offense if the member discloses confidential information. An offense under this subsection is a Class C misdemeanor.

SECTION \_\_\_\_. Subchapter B, Chapter 262, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Section 262.1015 to read as follows:

Sec. 262.1015. REMOVAL OF ALLEGED PERPETRATOR; OFFENSE.

(a) If the department determines after an investigation that child abuse has occurred and that the child would be protected in the child's home by the removal of the alleged perpetrator of the abuse, the department shall file a petition for the removal of the alleged perpetrator from the residence of the child rather than attempt to remove the child from the residence.

(b) A court may issue a temporary restraining order in a suit by the department for the removal of an alleged perpetrator under Subsection (a) if the department's petition states facts sufficient to satisfy the court that:

(1) there is an immediate danger to the physical health or safety of the child or the child has been a victim of sexual abuse; and

(2) there is no time, consistent with the physical health or safety of the child, for an adversary hearing.

(c) The notice requirements under Section 262.109 apply to a proceeding under this section. The order shall be served on the alleged perpetrator and on the parent or other adult with whom the child will continue to reside.

(d) A temporary restraining order under this section shall be issued for the same duration as an order under Section 262.103. The requirements of an adversary hearing for the removal of a child from the child's home under Subchapter C apply to the removal of an alleged perpetrator under this section.

(e) A temporary restraining order under this section and any other order requiring the removal of an alleged perpetrator from the residence of a child shall require that the parent or other adult with whom the child will continue to reside in the child's home make a reasonable effort to monitor the residence and report to the department and the appropriate law enforcement agency any attempt by the alleged perpetrator to return to the residence.

(f) A person commits an offense if the person is a parent or other person with whom a child resides, the person is served with an order containing the requirement specified by Subsection (e), and the person fails to make a reasonable effort to monitor the residence of the child or to report to the department and the appropriate law enforcement agency an attempt by the alleged perpetrator to return to the residence. An offense under this section is a Class A misdemeanor.

(g) A person commits an offense if, in violation of a court order under this section, the person returns to the residence from which the person was removed. An offense under this subsection is a Class A misdemeanor, except that the offense is a felony of the third degree if the person has previously been convicted under this subsection.

SECTION \_\_\_\_\_. Subchapter A, Chapter 263, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Section 263.005 to read as follows:

Sec. 263.005. ENFORCEMENT TEAMS. The department shall establish enforcement teams from existing department personnel to ensure that the parties to a family service agreement comply with the agreement.

SECTION \_\_\_\_\_. Subchapter A, Chapter 264, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Section 264.010 to read as follows:

Sec. 264.010. CHILD ABUSE PLAN; LIMITATION ON EXPENDITURE OF FUNDS. (a) Funds appropriated for protective services, child and family services, and the purchased service system for the department may only be spent on or after March 1, 1996, in a county that provides the department with a child abuse prevention and protection plan.

(b) A child abuse prevention and protection plan may be submitted by the governing body of a county or of a regional council of governments in which the county is an active participant.

(c) The department may not require a child abuse prevention and protection plan to exceed five double-spaced letter-size pages. The county or council of governments may voluntarily provide a longer plan.

(d) A child abuse prevention and protection plan must:

(1) specify the manner of communication between entities who are parties to the plan, including the department, the Texas Department of Human Services, local law enforcement agencies, the county and district attorneys, members of the medical and social service community, foster parents, and child advocacy groups; and

(2) provide other information concerning the prevention and investigation of child abuse in the area for which the plan is adopted.

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative Brady offered the following amendment to **CSHB 2569**:

Amend **CSHB 2569** as follows:

(1) Add the following appropriately numbered section and renumber the subsequent sections of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter D, Chapter 261, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Section 261.312 to read as follows:

Sec. 261.312. TESTING. (a) The department shall provide testing as necessary for the welfare of a child who the department believes, after an investigation under this chapter, has been sexually abused, including human immunodeficiency virus (HIV) testing of a child who was abused in a manner by which HIV may be transmitted.

(b) Except as provided by Subsection (c), the results of a test under this section are confidential.

(c) If requested, the department shall report the results of a test under this section to:

(1) a court having jurisdiction of a proceeding involving the child or a proceeding involving a person suspected of abusing the child;

(2) a person responsible for the care and custody of the child as a foster parent; and

(3) a person seeking to adopt the child.

(2) On page 100, between lines 10 and 11, insert the following appropriately numbered sections:

SECTION \_\_\_\_\_. Subchapter B, Chapter 264, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Section 264.109 to read as follows:

Sec. 264.109. ADOPTIVE PARENT REGISTRY. (a) The department shall establish a registry of persons who are willing to accept foster care placement of a child in the care of the department. The child may be placed temporarily with a person registered under this section pending termination of the parent-child relationship with regard to the child or for any period during which the child is removed from the child's home.

(b) A person registered under this section must satisfy requirements adopted by rule by the department.

(c) The department shall maintain a list of persons registered under this section and shall make a reasonable effort to place a child with the first available qualified person on the list if a qualified extended family member is not available for the child.

(d) Before a child may be placed with a person under this section, the person must sign a written statement in which the person agrees to the immediate removal of the child by the department under circumstances determined by the department.

(e) A person registered under this section is not entitled to compensation during the time the child is placed in the person's home but may receive support services provided for the child by the department.

(f) A person registered under this section has the right of first refusal for

the adoption of a child placed in the person's home if the parent-child relationship is terminated with regard to the child.

(g) The department may refuse to place a child with a person registered under this section only for a reason permitted under criteria adopted by department rule.

(h) The department shall make the public aware of the existence and benefits of the adoptive parent registry through appropriate existing department communication methods.

SECTION \_\_\_\_\_. Subchapter C, Chapter 264, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Section 264.205 to read as follows:

Sec. 264.205. SWIFT ADOPTION TEAMS. (a) The department shall develop swift adoption teams to expedite the process of placing a child under the jurisdiction of the department for adoption.

(b) A swift adoption team shall consist of department personnel who shall operate under policies adopted by rule by the department. The department shall set priorities for the allocation of department resources to enable a swift adoption team to operate successfully under the policies adopted under this subsection.

(c) The department shall, using a system of measurement developed by the department, report to the legislature on the success of swift adoption teams in expediting the administrative procedures and the length of time in placing children for adoption. The report shall include recommendations by the department concerning legislation that would enable the department to further improve adoption placements. The department shall report under this section on or before December 1 of each even-numbered year.

(3) Renumber sections of the bill accordingly.

Amendment No. 3 was adopted without objection.

#### **Amendment No. 4**

Representative Brady offered the following amendment to **CSHB 2569**:

Amend **CSHB 2569** as follows:

(1) Add the following appropriately numbered section:

SECTION \_\_\_\_\_. Section 107.002, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Subsection (e) to read as follows:

(e) A court is not required under this section to appoint an attorney ad litem in a proceeding in which:

(1) a suit for the dissolution of a marriage is uncontested; or

(2) the issues of possession of and access to a child are agreed to by both parents.

(2) Add the following appropriately numbered section:

SECTION \_\_\_\_\_. Chapter 107, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Section 107.006 to read as follows:

Sec. 107.006. GUARDIAN AD LITEM AND ATTORNEY AD LITEM POOL; QUALIFICATIONS. (a) The local administrative district judge in

each county in the Department of Protective and Regulatory Services region for child protective services that contains Harris County shall establish and a local administrative district judge in any other county may establish a pool from which guardians ad litem and attorneys ad litem are appointed for proceedings in the district courts of the county. To be eligible for the pool established under this subsection, a person must:

(1) complete training provided by the State Bar of Texas in family law and the responsibilities of ad litem;

(2) complete as part of the person's annual continuing legal education requirement not fewer than three hours in family law issues; and

(3) meet other requirements established by the local administrative district judge.

(b) Before appointment as a guardian ad litem or an attorney ad litem, the person must have read, acknowledged by signing, and filed with the local administrative judge a written statement prepared by the local administrative district judge that lists the responsibilities of an ad litem, some or all of which may be appropriate to the person's specific case. The court shall retain a copy of the acknowledgment for two years. To continue to receive appointments under this section, the person must execute a new statement at least every two years.

(c) A party to a proceeding in which a person is appointed as a guardian ad litem or an attorney ad litem may object to appointment of the person at any time before the date of the trial of the proceeding. A party may object under this subsection on the grounds that the party believes that the person appointed lacks objectivity or is failing to fulfill the person's responsibilities as an ad litem as outlined in the written statement of ad litem responsibilities.

(d) A person appointed as a guardian ad litem or attorney ad litem shall complete and submit to the court a voucher or claim for payment that includes the fees charged and hours worked by the ad litem. Information submitted under this section is subject to disclosure under Chapter 552, Government Code.

(e) The Bureau of Vital Statistics may compile information submitted under Subsection (d) for a county that maintains that information on an electronic database. On the request of the bureau, the county shall provide the information. Information compiled by the bureau under this section shall be made available to the Department of Protective and Regulatory Services.

(3) Renumber the sections of the bill accordingly.

Amendment No. 4 was adopted without objection.

**CSHB 2569**, as amended, was passed to engrossment.

### **HB 2523 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 2523**, A bill to be entitled An Act relating to the prevention of Medicaid fraud; imposing civil penalties.

The bill was read second time.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative McDonald offered the following committee amendment to the bill:

Amend **HB 2523** as follows:

- (1) On page 3, line 17, after "(1)", insert "knowingly or intentionally".
- (2) On page 3, line 24, after "(2)", insert "knowingly or intentionally".
- (3) On page 4, line 8, after "(3)", insert "knowingly or intentionally".
- (4) On page 4, line 12, after "(4)", insert "knowingly or intentionally".
- (5) On page 5, line 4, before "charges", insert "knowingly or intentionally".
- (6) On page 5, line 10, after "knowingly", insert "or intentionally".
- (7) On page 5, line 16, after "(7)", insert "knowingly or intentionally".
- (8) On page 6, line 1, after "(8)", insert "knowingly or intentionally".
- (9) On page 6, line 10, following the semi-colon, strike "or".
- (10) On page 6, between lines 10 and 11, insert:  
(9) makes a claim under the Medicaid program and knowingly or intentionally fails to indicate the type of license and the identification number of the licensed health care provider who actually provided the service; or
- (11) On page 6, line 11, strike "(9)" and substitute "(10) knowingly or intentionally".
- (12) On page 14, lines 24-27 and page 15, strike lines 1-5, strike Section 36.012 and substitute a new Section 36.012 to read as follows:

Sec. 36.012. USE OF MONEY RECOVERED. The legislature, in appropriating money recovered under this chapter, shall consider the requirements of the attorney general and other affected state agencies in investigating Medicaid fraud and enforcing this chapter.

Amendment No. 1 was adopted without objection.

**HB 2523**, as amended, was passed to engrossment.

**HB 1056 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1056**.

**CSHB 1056**, A bill to be entitled An Act relating to prohibiting smoking and the provision of tobacco products in county jails and other county correctional facilities; providing a penalty.

**CSHB 1056** was read second time and was passed to engrossment.

**HB 1519 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1519**.

**CSHB 1519**, A bill to be entitled An Act relating to the licensing and regulation of licensed hypnotherapists.

**CSHB 1519** was read second time.

**Amendment No. 1**

Representative Harris offered the following amendment to **CSHB 1519**:

Amend **CSHB 1519** as follows:

(1) On page 5, line 10, strike "18" and substitute "21".

(2) On page 5, line 12, after the semicolon and before "and", insert the following:

(3) has earned a bachelor's degree from an accredited university or other institution of higher education or the equivalent of a bachelor's degree as determined by the Texas Department of Health;

(3) On page 5, line 13, strike "(3)" and substitute "(4)".

Amendment No. 1 was adopted without objection.

### **Amendment No. 2**

Representative Oakley offered the following amendment to **CSHB 1519**:

Amend **CSHB 1519** as follows:

On page 11, between lines 17 and 18 insert the following new subsection:

"(g) This Act does not apply to any hypnotic interview technique conducted by a peace officer as authorized by section 415.036, Government Code."

Amendment No. 2 was adopted without objection.

### **Amendment No. 3**

Representative Maxey offered the following amendment to **CSHB 1519**:

Amend **CSHB 1519** as follows:

(1) On page 1, strike lines 5-13

(2) On page 2, lines 3-4, strike "Texas Department of Licensing and Regulation" and substitute "Texas Department of Health".

(3) On page 6, line 19, strike "Commission of Licensing and Regulation" and substitute "Board of Health".

(4) On page 7, lines 2 and 3, strike "Commission of Licensing and Regulation" and substitute "Board of Health".

(5) On page 7, line 5, strike "commission" and substitute "Board".

(6) On page 10, between lines 19 and 20, add the following subsection:

(c) The department may not exercise any of the general powers and duties or rulemaking authority assigned the department with regard to the hypnotherapy advisory council.

(7) On page 12, line 16, strike "Department of Licensing and Regulation" and substitute "Department of Health".

(8) On page 13, line 1, strike "Department of Licensing and Regulation" and substitute "Department of Health".

(9) On page 13, line 8, strike "Commission of Licensing and Regulation" and substitute "Board of Health".

(10) On page 13, line 11, strike "Commission of Licensing and Regulation" and substitute "Board of Health".

(11) Renumber the sections of the bill appropriately.

Amendment No. 3 was adopted without objection.

**Amendment No. 4**

Representative Kubiak offered the following amendment to **CSHB 1519**:

Amend **CSHB 1519** by deleting SECTION 3 of **CSHB 1519** and renumbering subsequent sections accordingly.

Amendment No. 4 was adopted without objection.

**CSHB 1519**, as amended, failed to pass to engrossment.

**HB 2226 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2226**.

**CSHB 2226**, A bill to be entitled An Act relating to the authority of a law enforcement officer commissioned by the Department of Public Safety to wear a uniform purchased from the state while providing law enforcement services for entities other than the department.

**CSHB 2226** was read second time.

**Amendment No. 1**

Representative Chisum offered the following amendment to **CSHB 2226**:

Amend **CSHB 2226**, at the end of proposed Section 411.0078, Government Code (Committee printing, page 2, between lines 9 and 10), by adding the following:

"(d) When an officer is providing law enforcement services for a person or entity other than the department, the officer must wear an clearly distinguishable arm band to indicate that the officer is not providing services to the department. The department shall adopt rules to implement and administer this subsection."

Amendment No. 1 was withdrawn.

**Amendment No. 2**

Representative Moffat offered the following amendment to **CSHB 2226**:

Amend **CSHB 2226** by inserting the following new sections of the bill, appropriately numbered, and renumbering existing sections of the bill appropriately:

SECTION \_\_\_\_\_. Section 411.023, Government Code, is amended to read as follows:

Sec. 411.023. SPECIAL RANGERS. (a) The commission may appoint as special rangers honorably retired Texas Rangers [~~commissioned officers of the department and not more than 300 other persons~~].

(b) A special ranger is subject to the orders of the director [~~commission and the governor~~] for special duty to the same extent as other law enforcement officers provided for by this chapter and has the same authority that a Texas Ranger has while performing similar duties [~~except that a special ranger may not enforce a law except one designed to protect life and property and may not enforce a law regulating the use of a state highway by a motor vehicle. A special ranger is not connected with a ranger company or uniformed unit of the department~~].

(c) Before issuance of a commission to a special ranger the person shall enter into a good and sufficient bond executed by a surety company authorized to do business in the state in the amount of \$5,000 [~~\$2,500~~], approved by the director, and indemnifying all persons against damages resulting from an unlawful act of the special ranger.

(d) [~~A special ranger is not entitled to compensation from the state for service as a special ranger.~~

~~(e)] A special ranger commission expires January 1 of the first odd-numbered year after appointment. The director may revoke a special ranger commission at any time for cause.~~

SECTION \_\_\_\_\_. Subchapter C, Chapter 411, Government Code, is amended by adding Section 411.033 to read as follows:

Sec. 411.033. SPECIAL TROOPERS AND SPECIAL OFFICERS. (a) The director may appoint as a special Department of Public Safety trooper or special Department of Public Safety officer an honorably commissioned retired officer of the department and not more than 300 other persons.

(b) A special trooper or special officer is subject to the orders of the director for special duty to the same extent as other law enforcement officers provided for by this chapter and has the same authority granted to a peace officer, except that a special trooper or special officer may not enforce a law regulating the use of a state highway by a motor vehicle.

(c) A special trooper or special officer is not assigned to a ranger company or a uniformed unit of the department.

(d) Before issuance of a commission to a special trooper or special officer the person shall enter into a good and sufficient bond executed by a surety company authorized to do business in the state in the amount of \$5,000, approved by the director, and indemnifying all persons against damages resulting from an unlawful act of the special trooper or special officer.

(e) A special trooper or special officer is not entitled to compensation from the state for service as a special trooper or special officer.

(f) A special trooper or special officer commission expires January 1 of the first odd-numbered year after appointment. The director may revoke a special trooper or special officer commission at any time for cause.

SECTION \_\_\_\_\_. The change in law made by this Act to Section 411.023, Government Code, does not apply to a person who is a special ranger under that law immediately before the effective date of this Act during the remainder of the term of the person's appointment. That term expires January 1, 1997, and until that time the special ranger is governed by Section 411.023, Government Code, as it existed immediately before the effective date of this Act, and the prior law is continued in effect for that purpose.

Amendment No. 2 was withdrawn.

**CSHB 2226**, was passed to engrossment. (Corte and Finnell recorded voting no)

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Stiles moved to suspend all necessary rules to allow the Committee on Calendars to meet while the house is in session.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 7:29 p.m. today, speakers committee room.

**HB 1457 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 1457**, A bill to be entitled An Act relating to review of enforcement of the federal fair housing laws in this state.

The bill was read second time and failed to pass to engrossment. (The vote was reconsidered later today and **HB 1457**, as amended, was passed to engrossment.)

**HB 269 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 269**.

**CSHB 269**, A bill to be entitled An Act relating to the redundant reporting of information within the criminal justice information system.

**CSHB 269** was read second time and was passed to engrossment.

**SB 753 - REQUEST OF SENATE GRANTED**

On motion of Representative Hartnett, the house granted the request of the senate for the appointment of a conference committee on **SB 753**.

**SB 753 - APPOINTMENT OF CONFERENCE COMMITTEE**

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 753**: Hartnett, chair, Allen, Marchant, Thompson, and Wolens.

**SB 776 - REQUEST OF SENATE GRANTED**

On motion of Representative Hightower, the house granted the request of the senate for the appointment of a conference committee on **SB 776**.

**SB 776 - APPOINTMENT OF CONFERENCE COMMITTEE**

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 776**: Saunders, chair, Chisum, Talton, Junell, and Dukes.

**SB 114 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Chisum submitted the conference committee report on **SB 114**.

Representative Chisum moved to adopt the conference committee report on **SB 114**.

A record vote was requested.

The motion prevailed by (Record 364): 132 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Eiland; Elkins; Finnell; Giddings; Glaze; Goodman; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Coleman; Dear; Delisi; Gallego; Hernandez; Hochberg; Ogden; Sadler; Williamson.

Absent — Ehrhardt; Farrar; Goolsby; Hudson; Junell; Yarbrough.

#### **HB 686 - WITH SENATE AMENDMENTS**

Representative Conley called up with senate amendments for consideration at this time,

**HB 686**, A bill to be entitled An Act relating to the student loan program administered by the Texas Higher Education Coordinating Board; authorizing the issuance of bonds.

Representative Conley moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed without objection.

#### **HB 686 - APPOINTMENT OF CONFERENCE COMMITTEE**

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 686**: Hernandez, chair, Chisum, Romo, Elkins, and Gutierrez.

#### **HB 815 - WITH SENATE AMENDMENTS**

Representative Goolsby called up with senate amendments for consideration at this time,

**HB 815**, A bill to be entitled An Act relating to certain fees charged by certain public institutions of higher education.

Representative Goolsby moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed without objection.

### **HB 815 - APPOINTMENT OF CONFERENCE COMMITTEE**

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 815**: Goolsby, chair, Ogden, Rangel, Junell, and S. Turner.

### **HB 1552 - WITH SENATE AMENDMENT**

Representative H. Cuellar called up with a senate amendment for consideration at this time,

**HB 1552**, A bill to be entitled An Act relating to the assignment and docketing of certain cases by the district clerk of Webb County.

On motion of Representative H. Cuellar, the house concurred in the senate amendment to **HB 1552**.

### **HB 1552 - TEXT OF SENATE AMENDMENT**

**CSHB 1552**, A bill be entitled An Act relating to the assignment and docketing of certain cases by the district clerk of Webb County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 24.151(f), Government Code, is amended to read as follows:

(f) In Webb County, the clerk of the district courts shall file all civil cases, except tax suits, on the Clerk's Civil File Docket and shall number the cases consecutively. Each civil [~~and criminal~~] case, except tax suits, shall be assigned and docketed at random by the district clerk according to the following percentages: 49th District Court, 20 percent; 111th District Court, 60 percent; and the 341st District Court, 20 percent. The clerk shall keep a separate file docket, known as the Clerk's Criminal File Docket, for criminal cases and a separate file docket, known as the Clerk's Tax Suit Docket, for tax suits. Each tax suit shall be assigned and docketed in the 49th District Court. The clerk shall number the cases on the Clerk's Tax Suit Docket consecutively with a separate series of numbers and shall number the cases on the Clerk's Criminal File Docket consecutively with a separate series of numbers.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

### **HB 1647 - WITH SENATE AMENDMENTS**

Representative Pitts called up with a senate amendment for consideration at this time,

**HB 1647**, A bill to be entitled An Act relating to purchasing and contracting authority of municipalities.

On motion of Representative Pitts, the house concurred in the senate amendment to **HB 1647** by (Record 365): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Combs; Conley; Cook; Corte; Counts; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smthee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Coleman; Dear; Delisi; Gallego; Hernandez; Hochberg; Ogden; Sadler; Williamson.

Absent — Clemons; Crabb; Hudson.

### **HB 1647 - TEXT OF SENATE AMENDMENT**

**CSHB 1647**, A bill to be entitled An Act relating to purchasing and contracting authority of municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 252.001, Local Government Code, is amended to read as follows:

Sec. 252.001. DEFINITIONS. In this chapter:

(1) "Bond funds" includes money in the treasury received from the sale of bonds and includes the proceeds of bonds that have been voted but have not been issued and delivered.

(2) "Component purchases" means purchases of the component parts of an item that in normal purchasing practices would be purchased in one purchase.

(3) "Current funds" includes money in the treasury, taxes in the process of being collected in the current tax year, and all other revenue that may be anticipated with reasonable certainty in the current tax year.

(4) "High technology procurement" means the procurement of equipment, goods, or services of a highly technical nature, including:

(A) data processing equipment and software and firmware used in conjunction with data processing equipment;

(B) telecommunications equipment and radio and microwave systems;

(C) electronic distributed control systems, including building energy management systems; and

(D) technical services related to those items.

(5) "Planning services" means services primarily intended to guide governmental policy to ensure the orderly and coordinated development of the state or of municipal, county, metropolitan, or regional land areas.

(6) [~~5~~] "Separate purchases" means purchases, made separately, of items that in normal purchasing practices would be purchased in one purchase.

(7) [~~6~~] "Sequential purchases" means purchases, made over a period, of items that in normal purchasing practices would be purchased in one purchase.

(8) [~~7~~] "Time warrant" includes any warrant issued by a municipality that is not payable from current funds.

SECTION 2. Section 252.022(a), Local Government Code, is amended to read as follows:

(a) This chapter does not apply to an expenditure for:

(1) a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality;

(2) a procurement necessary to preserve or protect the public health or safety of the municipality's residents;

(3) a procurement necessary because of unforeseen damage to public machinery, equipment, or other property;

(4) a procurement for personal, [~~or~~] professional, or planning services;

(5) a procurement for work that is performed and paid for by the day as the work progresses;

(6) a purchase of land or a right-of-way;

(7) a procurement of items that are available from only one source, including:

(A) items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;

(B) films, manuscripts, or books;

(C) electricity, gas, water, and other utility services;

(D) captive replacement parts or components for equipment;

(E) books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and

(F) management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;

(8) a purchase of rare books, papers, and other library materials for a public library;

(9) paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;

(10) a public improvement project, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;

(11) a payment under a contract by which a developer participates in

the construction of a public improvement as provided by Subchapter C, Chapter 212;

(12) personal property sold:

(A) at an auction by a state licensed auctioneer;

(B) at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code; or

(C) by a political subdivision of this state, a state agency of this state, or an entity of the federal government; and

(13) services performed by blind or severely disabled persons.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

### HB 1664 - WITH SENATE AMENDMENTS

Representative Horn called up with senate amendments for consideration at this time,

**HB 1664**, A bill to be entitled An Act relating to notice of a meeting of the governing board of an institution of higher education.

On motion of Representative Horn, the house concurred in the senate amendments to **HB 1664** by (Record 366): 130 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Combs; Conley; Cook; Corte; Counts; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Giddings; Glaze; Goodman; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzhauser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Willis; Wilson; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nays — Crabb; De La Garza; Hartnett.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Coleman; Dear; Delisi; Gallego; Hernandez; Hochberg; Ogden; Sadler; Williamson.

Absent — Clemons; Goolsby; Hudson; McCall; Smithee.

### **HB 1664 - TEXT OF SENATE AMENDMENTS**

#### **Senate Amendment No. 1 (Senate Committee Amendment No. 1)**

Amend **HB 1664** as follows:

1) On page 1, line 13, after the word "institution" add the words "if an issue of the newspaper is published between the time of the posting and time of the meeting".

#### **Senate Amendment No. 2**

Amend **HB 1664**

On line 9, pg. 1 by striking the word "an" and inserting the phrase "a single" after the word "of".

### **HB 1792 - WITH SENATE AMENDMENTS**

Representative Wilson called up with senate amendments for consideration at this time,

**HB 1792**, A bill to be entitled An Act relating to the tuition charged to nonresident students at certain public institutions of higher education.

Representative Wilson moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed without objection.

### **HB 1792 - APPOINTMENT OF CONFERENCE COMMITTEE**

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 1792**: Junell, chair, Ogden, Rangel, Goolsby, and S. Turner.

### **HB 475 - WITH SENATE AMENDMENT**

Representative Willis called up with a senate amendment for consideration at this time,

**HB 475**, A bill to be entitled An Act relating to the right to divert state water for irrigation of certain cemeteries.

On motion of Representative Willis, the house concurred in the senate amendment to **HB 475** by (Record 367): 131 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Corte; Counts; Crabb; Craddock; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Denny; Driver; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Giddings; Glaze; Goodman; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.;

Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Willis; Wilson; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Coleman; Dear; Delisi; Gallego; Hernandez; Hochberg; Ogden; Sadler; Williamson.

Absent — Dukes; Elkins; Goolsby; Junell; Pickett; Saunders; Wohlgemuth.

### HB 475 - TEXT OF SENATE AMENDMENT

**CSHB 475**, A bill to be entitled An Act relating to the right to divert state water for irrigation of certain cemeteries.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.121, Water Code, is amended to read as follows:

Sec. 11.121. PERMIT REQUIRED. Except as provided in Sections 11.142, ~~[and]~~ 11.1421, and 11.1422 of this code, no person may appropriate any state water or begin construction of any work designed for the storage, taking, or diversion of water without first obtaining a permit from the commission to make the appropriation.

SECTION 2. Subchapter D, Chapter 11, Water Code, is amended by adding Section 11.1422 to read as follows:

Sec. 11.1422. PERMIT EXEMPTION FOR HISTORIC CEMETERIES.

(a) Without obtaining a permit, a tax-exempt nonprofit corporation that owns a cemetery may divert from a river not more than 200 acre-feet of water each year to irrigate the grounds of the cemetery if the cemetery:

- (1) borders the river; and
- (2) is more than 100 years old.

(b) The executive director or a watermaster who has jurisdiction over the river from which a cemetery diverts water under this section by order may restrict a diversion authorized by this section if the executive director or watermaster determines the diversion will harm a person downstream of the cemetery who acquired a water right before the date this section took effect. The executive director or watermaster shall limit the restriction to the extent of the harm and to the period of the harm.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

**HB 3157 - WITH SENATE AMENDMENTS**

Representative Conley called up with senate amendments for consideration at this time,

**HB 3157**, A bill to be entitled An Act relating to procedures for the removal of members of the governing boards of certain metropolitan rapid transit authorities.

On motion of Representative Conley, the house concurred in the senate amendments to **HB 3157** by (Record 368): 131 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nays — Hartnett; Longoria.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Coleman; Dear; Delisi; Gallego; Hernandez; Hochberg; Ogden; Sadler; Williamson.

Absent — Black; Corte; Hudson; Junell; Solis.

**STATEMENT OF VOTE**

When Record No. 368 was taken, I was in the house but away from my desk. I would have voted yes.

Black

**HB 3157 - TEXT OF SENATE AMENDMENTS**

**CSHB 3157**, A bill to be entitled An Act relating to the board of certain metropolitan rapid transit authorities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 4(e)(2)(A), Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended to read as follows:

(A) In addition to the methods of removal of board members provided by Subdivisions (1) and (4) of this subsection, board members of an authority in which the [~~rate of the sales and use tax is one percent and whose~~] principal city has a population of more than 750,000 [~~1,200,000~~], according to the most recent federal census, are subject to removal by the recall procedure provided by this subdivision.

SECTION 2. Section 4(e)(4), Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended to read as follows:

(4) In addition to the methods of removal of board members provided by Subdivisions (1) and (2) of this subsection, a board member of an authority in which the principal city has a population of more than 750,000 [~~1,200,000~~], according to the most recent federal census, may be removed by the agency that appointed the member. In the case of the principal city, removal under this subsection is by recommendation of the mayor and confirmation of that city's governing body. Grounds for removal under this subdivision are the grounds described by Subdivisions (1) and (5) of this subsection. Before removing a board member under this subdivision, the appointing agency or, in the case of a member appointed by the mayor of the principal city and confirmed by that city's governing body, the mayor of the principal city shall furnish to the member a statement of the charges as grounds for removal. Before the 11th day after the date the member receives the statement, the member may request a hearing before the appointing or confirming agency. At a hearing, the member is entitled to be represented in person or through counsel. After a hearing, if the appointing or confirming agency determines that the charges are true, it shall remove the member from the board.

SECTION 3. Section 4(e)(5)(A), Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended to read as follows:

(A) In addition to the grounds described by Subdivision (1) of this subsection, it is a ground for removal from the board of an authority in which the principal city has a population of more than 750,000 [~~1,200,000~~], according to the most recent federal census, if a member:

(i) does not have at the time of appointment the qualifications required by Sections 4(d) and 6B(e) of this Act;

(ii) does not maintain during service on the board the qualifications required by Sections 4(d) and 6B(e) of this Act;

(iii) violates a prohibition established by Subsection (d) of this section or Chapter 171, Local Government Code;

(iv) cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or

(v) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the board.

SECTION 4. (a) The terms of all members of the board of a rapid transit authority created under Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), before 1980, the

largest municipality of which has a population of less than 1.2 million, expire on January 1, 1996.

(b) Not later than January 1, 1996, all entities that are eligible to make appointments to a board described in Subsection (a) of this section shall make appointments to fill the vacancies caused by this section.

(c) All persons appointed under Subsection (b) of this section shall draw lots to determine the length of the member's term. One-half of the members, rounded up to the next whole number, shall serve for a term of two years. The remaining members serve a term of one year. All terms begin on January 1, 1996.

SECTION 5. This Act takes effect September 1, 1995.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

### Senate Amendment No. 1

Amend **CSHB 3157** by striking SECTIONS 5 and 6 of the bill and substituting the following:

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

### HB 1336 - WITH SENATE AMENDMENTS

Representative Rodriguez called up with a senate amendment for consideration at this time,

**HB 1336**, A bill to be entitled An Act relating to authorizing public junior colleges to offer courses for joint high school and junior college credit.

On motion of Representative Rodriguez, the house concurred in the senate amendment to **HB 1336** by (Record 369): 133 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Giddings; Glaze; Goodman; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzhauser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders;

Seidlits; Serna; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nay — Hartnett.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davila; Price.

Absent, Excused, Committee Meeting — Coleman; Dear; Delisi; Gallego; Hernandez; Hochberg; Ogden; Sadler; Williamson.

Absent — Gray; Junell; Solis; Swinford.

### **HB 1336 - TEXT OF SENATE AMENDMENT**

#### **Senate Amendment No. 1**

Amend **HB 1336**, page 2 after line 4, by adding subsection (d) to Section 13.008 as follows:

(d) For instances when state funding is provided to both a school district and a public junior college for a student enrolled in courses offered by a junior college under Subsection (a), the commissioner of education and the commissioner of higher education shall jointly develop a mechanism to identify and eliminate duplication of state funding.

### **HB 1457 - VOTE RECONSIDERED**

Representative Carona moved to reconsider the vote by which **HB 1457** failed to pass to engrossment.

The motion to reconsider prevailed.

### **HB 1457 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 1457**, A bill to be entitled An Act relating to review of enforcement of the federal fair housing laws in this state.

#### **Amendment No. 1**

Representative Carona offered the following amendment to the bill:

Amend **HB 1457** on page 1, between lines 22 and 23, by inserting the following:

(c) The department shall conduct its review under Subsection (a) in a manner that does not duplicate other efforts of the department or efforts of other state agencies, and does not gather information previously gathered by a state agency. Agencies of the state are specifically directed to provide the department with information determined by those agencies to assist the department in carrying out its duties under this section.

Amendment No. 1 was adopted without objection.

**HB 1457**, as amended, was passed to engrossment.

**HR 884 - ADOPTED**

Representative Counts moved to suspend all necessary rules to take up and consider at this time **HR 884**.

The speaker laid before the house the following resolution:

By Counts,

**HR 884**, Honoring the Sweetwater Middle School students in the SEEK program.

The resolution was adopted without objection.

**HR 809 - ADOPTED**

Representative Maxey moved to suspend all necessary rules to take up and consider at this time **HR 809**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Farrar,

**HR 809**, Commemorating Cinco De Mayo.

The resolution was adopted without objection.

**HR 810 - ADOPTED**

Representative Maxey moved to suspend all necessary rules to take up and consider at this time **HR 810**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Farrar,

**HR 810**, Commemorating the dedication of The Salvation Army William Booth Garden Apartments for the elderly.

The resolution was adopted without objection.

**RULES SUSPENDED**

Representative Seidlits moved to suspend the 5-day posting rule to allow the Committee on State Affairs to consider **SB 1295**.

The motion prevailed without objection.

Representative Hightower moved to suspend the 5-day posting rule to allow the Committee on Corrections to consider **SCR 17**.

The motion prevailed without objection.

Representative Wilson moved to suspend Rule 13, Section 7, of the House Rules, to allow the Conference Committee on **SB 60** to consider **SB 60**.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Way and Means, on adjournment today.

Civil Practices, on adjournment today, Desk 32.

Public Health, on adjournment today, E2.016, Capitol Extension.

Public Safety, on adjournment today, Desk 43, to consider pending business.

County Affairs, on adjournment today, Desk 4.

State Affairs, on adjournment today, E2.014, Capitol Extension, to consider pending business.

Human Services, on adjournment today, Desk 41, to consider **SB 1336**.

Corrections, on adjournment today, Desk 45, to consider **SCR 17**.

Insurance, on adjournment today, Desk 24.

**PROVIDING FOR LOCAL AND CONSENT BILLS AND  
RESOLUTIONS CALENDARS**

Representative Rodriguez moved to set local and consent bills and resolutions calendars for 10 a.m. Friday, May 12.

The motion prevailed without objection.

**ADJOURNMENT**

Representative Rhodes moved that the house adjourn until 10 a.m. tomorrow in memory of Clem Kirby Best and Velma Smith Turner of Dripping Springs.

The motion prevailed without objection.

The house accordingly, at 8:16 p.m., adjourned until 10 a.m. tomorrow.

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

Appropriations - **HB 1277**

Business and Industry - **SB 526, SB 1029**

Civil Practices - **HB 1195**

County Affairs - **HB 2779, HB 2970, SB 496, SB 1479**

Criminal Jurisprudence - **HB 756, HB 2472, SB 45**

Financial Institutions - **SJR 51**

Higher Education - **HB 2438**

Insurance - **HB 491, HB 2826, SB 1009**

Judicial Affairs - **HB 1598, SB 938**

Juvenile Justice and Family Issues - **HB 358, HB 2538, HB 3161, SB 81, SB 793**

Land and Resource Management - **SB 595, SB 993**

Natural Resources - **SB 298**

Pensions and Investments - **HB 3125**

Public Health - **SCR 55, SCR 56, SCR 57, SCR 58, SCR 59, SCR 60, SCR 88, SCR 136**

State Affairs - **HB 2457, HB 2769**

Transportation - **HB 1488**

Urban Affairs - **HB 1049, SB 640, SB 641, SB 642, SB 643, SB 644**

**ENGROSSED**

May 8 - **HJR 72, HJR 82**

**ENROLLED**

May 9 - **HCR 96, HCR 97**

**RECOMMENDATIONS OF THE TEXAS NATURAL RESOURCE  
CONSERVATION COMMISSION FILED WITH THE SPEAKER**

May 5 - **HB 3042**

May 8 - **HB 3230, HB 3231**